

offender without warrant. If arrested the offender should be brought to a police station, where he will either be released in due course on bail to be summoned, or detained for prosecution

These drunkenness offences are as follows :

1. Every person found drunk in any highway or other public place whether a building or not, or on any licensed premises (1872 Act, s. 12). Unless such person is incapable of taking care of himself he should not be arrested, as he may only be summoned for this 1872 Act offence. This offence is known as simple drunkenness, and is punishable by fine. Every person found

public is liable under this section. One Justice, sitting alone,

A person found drunk in any highway or other public place whether a building or not or on any licensed premises, and apparently incapable of taking care of himself may be arrested (1902 Act, s. 1).

This offence is commonly known as "drunk and incapable", and is punishable under s. 12, 1872 Act, or by other Acts dealing with drunkenness, but the offence is "simple drunkenness."

2. Being guilty, while drunk, of riotous or disorderly behaviour in any highway or other public place whether a building or not. Such person may be arrested. (1872 Act, s. 12).

3. Drunk while in charge on any highway or other public place of any carriage, horse, cattle (including pigs and sheep), or steam engine. A bicycle is such a carriage (*Corkery v. Carpenter* (1950)). Such person may be arrested. (1872 Act, s. 12).

4. Drunk when in possession of any loaded firearms. Such committed anywhere, and no person need have been endangered.

5. Found drunk in any highway or other public place whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years. Such person may be arrested. (1902 Act, s. 2).

"Public place," for the purposes of the above five offences, includes any place to which the public have access, whether on payment or otherwise (1902 Act, s. 8).

6. Driving or attempting to drive a motor vehicle on a road

7. Being in charge of a motor vehicle on a road or other public place (but not driving the vehicle) while unfit to drive through drink or drugs (s. 6(2) R.T. Act, 1960).

8. Riding a bicycle or tricycle, not being a motor vehicle, on a road or other public place while unfit to ride through drink or drugs (s. 11 R.T. Act, 1960).

SOi PART VI. OTHER OFFENCES AND REGULATIONS

A person committing one of these three offences (Nos. 6, 7 and 8) may be arrested without warrant by a constable. He is not liable to prosecution under s. 12 Licensing Act, 1872. (See No. 3 above).

case. See *Jowett-Shooter v. Franklin* (1949) and *Jones v. English* (1951). If a person leaves a motor vehicle on a road or public place he is still in charge of it unless he puts some other person in charge of it. (*Haines v. Roberts* (1953)).

It has been held that any place to which the public in fact have access is a "public place" under this section *R. v. Collinson*

9. Being drunk, violent, quarrelsome or disorderly on

his servant or any constable. A constable is required, on demand of the licensee or his servants, to help to expel every such person from the premises and may use such force as may be required

10. Being drunk, riotous, quarrelsome or disorderly in any licensed refreshment house and refusing or neglecting to quit on request from the manager or his servant or any constable. Constables are required to assist in expelling such offenders (Refreshment Houses Act, 1860, s. 41).

11. Being drunk in any street (of any urban district) and guilty of riotous or indecent behaviour therein, or being guilty of any violent or indecent behaviour in any police office or police station house (in any urban district). (Town Police

of the Public Health Acts Amendment Act, 1907, is in force by order, "street" includes any unfenced ground adjoining a street and any place of public resort or recreation ground under the control of the Local Authority. The Metropolitan Police

Act, 1839, s. 58, provides a similar penalty for similar conduct in the London Metropolitan Police area.

12. The driver of any hackney carriage (in any urban district) who is intoxicated while driving commits an offence

The London Hackney Carriages Act, 1843, s. 28, deals with a driver of a hackney carriage or a driver or conductor of a stage carriage in the Metropolitan Police district who is drunk during his employment as such.

13. Being drunk on board a passenger steamer and refusing to leave same when requested, or being drunk and persisting in attempting to enter a passenger steamer after having been refused admission (Merchant Shipping Act, 1894, s. 287). See "Merchant Shipping Acts," Chap. 26.

The penalties that may be imposed for the offences mentioned in paragraphs 1-5, 10, 11 and 13 above were increased by The Penalties for Drunkenness Act, 1962.

CHAPTER XXXVIII. LIQUOR LICENSING LAWS
503

Clubs. A club may be defined as a voluntary association of a number of persons who meet together for purposes mainly social but perhaps including other purposes such as sport, politics, literature, each member contributing a certain sum, and the association being conducted under rules. A club is not denned in law, and the Court in any particular case may have to decide on the facts whether an association is or is not a club.

The Licensing Act, 1961, in Parts III and IV makes new pro-

Sale and Supply of Intoxicating Liquor in Club Premises.
Intoxicating liquor may not be supplied on any club premises by or on behalf of the club to a member or guest unless the club is registered or licensed. A person supplying or authorising the
-
mits an offence.

In any registered club, intoxicating liquor may only be supplied for consumption off the premises to a member in person.

registered club to a member or guest except at club premises in respect of which a club is registered or at any premises or place which the club is using on a special occasion, when only members and their guests are admitted, and the liquor is supplied only for consumption in the premises or place.

-
vention of this section every officer of the club commits an offence unless he shows that it was so kept without his knowledge or consent. (This paragraph replaces 1953 s. 123 which dealt with

clubs shall be fixed by the rules of the club, as follows: (a) the

than the general licensing hours, (&) there shall be a break in the afternoon of not less than 2 hours, and (c) on Sundays, Christmas Day and Good Friday, the break shall include the hours from 3 p.m. to 5 p.m. and there shall not be more than 3% hours after 5 p.m. (1961, s. S).

Written notice (signed by the Chairman or Secretary) of the hours fixed as the permitted hours shall be given to the clerk to the Justices (1961, s. 25).

Qualifications for registration of clubs. To be registered a club must hold a " registration certificate " issued by a magistrates'

renewed or surrendered. On the second or subsequent renewal

exceeding ten) as may be requested or for any less number of years. The rules of the club must provide for an interval of at least

2 days between a person being nominated or his application for membership and his admission. Persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least 2 days between their becoming members and their admission.

and conducted in good faith and has not less than 25 members, and (6) intoxicating liquor is not supplied otherwise than on

committee of that body, and (d) there are no arrangements for any person to receive at the expense of the club any commission or percentage or similar payment with reference to purchases of intoxicants, and (e) there are no arrangements for any person directly or indirectly to derive any pecuniary benefit from the supply of intoxicants by or on behalf of the club (1961, s. 26).

Objection to and cancellation of registration of clubs, and disqualification of premises. Objection to the issue or renewal of a registration certificate may be made by the chief officer of police,

required, or the information is incomplete or inaccurate, or the

(b) that the premises are not suitable and convenient for the purpose in view of their character and condition, and of the size and nature of the club; (c) that the club does not satisfy the conditions as to qualification for registration given in s. 26 of

manner or for an unlawful purpose, or that the rules of the club are habitually disregarded as respects the admission of persons to

or seeking registration) are habitually used for an unlawful

prostitutes, or that in any such premises there is frequent drunkenness, or there have within the preceding 12 months been illegal sales of intoxicating liquor or persons not qualified to be supplied with intoxicating liquor there are habitually admitted for the purposes of obtaining it.

A magistrates' court, if satisfied that the ground of objection

application if any of grounds (a) to (c) are substantiated, but with regard to ground (b) having regard to any steps taken or proposed to be taken to remove the ground of objection, the court may, if it thinks it reasonable to do so, grant the application.

A complaint for the cancellation of a registration certificate

CHAPTER XXXVIII. LIQUOR LICENSING LAWS

505

may be made to a magistrates' court by a chief officer of police or the local authority on grounds (c) to (e).

If satisfied that the matter of complaint is substantiated the

shall not be occupied and used for the purposes of any registered club for a specified period (1961, s. 27).

registered club may provide admission to the club of persons other than members and their guests, and for the sale of intoxicants to them for consumption on the premises, without a licence.

A magistrates' court may refuse to issue or renew a registration

ducted in good faith as a club. On the issue or renewal of a registration certificate, the court may attach to the certificate such

but must not prevent sale to a member of another club, if (a) the other club is registered in the locality and is temporarily closed, (fc) both clubs exist for learned, educational or political members of Her Majesty's Forces who are members of an

revoked on renewal or on application by the club, or on complaint in writing made against the club by the police or local authority

register of clubs holding registration certificates in the area. The register shows the permitted hours of the club and (a) the object of the club, (6) the name of the secretary, (c) the date of issue, renewal or variation of the certificate and the period for

the certificate relates. The register is open to inspection at all payment by any officer of police, and officer of customs or excise

issue or renew a registration certificate, or cancelling a registration certificate, or against any decision of a magistrates' court as to

club registration certificate is applied for an appointed officer

premises. The police also have the right of inspection but only if special reasons exist for so doing. Similar rights arise where a

renewal application relates to different, additional or enlarged premises (1961, s. 31).

certificate and the extended hours certificate in relation to restrictions) to a registered club on a certificate or order of a magistrates'

inspect clubs unless they have a search warrant. If a Justice of the peace is satisfied on reasonable grounds for believing (a) that there is ground for cancelling a licence, or (b) that evidence of it is to be obtained at the club premises, or (6)

club in club premises for which the club does not hold a registration certificate or a Justices' licence, or is kept in any club premises (which relates to the sale and supply of intoxicating liquor in the club premises) authorising him at any time within one month to enter the club premises by force if necessary, and search them and seize any documents relating to the business of the club (1961, s. 34).

Licensing of club premises. A club may apply for a Justices' licence which if granted will include authority to supply intoxicat-

obligations of a licensee will apply to him (1961, s. 35). As the

have a general right of entry, and the club will not be able to fix its permitted hours but will be subject to those applying to other licensed premises in the area, and the restrictions on the sale or supply of intoxicating liquor to persons under 18 will apply.

Seamen's Canteens. The Licensing (Seamen's Canteens) Act, 1954 allows the Licensing Justices to grant licences to these canteens which authorise the grant of excise on-licences. Food and non-intoxicants must be provided when intoxicants are on sale. The local permitted hours must be observed and the premises must be conducted as directed by the Licensing Acts.

Refreshment Houses. A refreshment house is any house, room, shop, or building kept for the purpose of sale and consumption therein by the public of any victual or refreshment except beer, cider, wine and spirits. For example, coffee houses and fish and chip shops. If a refreshment house is kept open for public refreshment, resort and entertainment at any time between ten at night and five of the following morning, its keeper or manager must take out an excise refreshment house licence

CHAPTER XXXVIII. LIQUOR LICENSING LAWS

507

county or county borough council (Finance Act, 1949, s. 15).

No Justices' licence is necessary, but if a refreshment house keeper wishes to sell wine or other intoxicating liquor he must obtain the necessary Justices' licence under the Licensing Acts.

It is not necessary to take out an excise refreshment house licence if the premises are closed between 10 p.m. and 5 a.m., or if they are duly licensed for the sale of beer, spirits, etc., or if refreshments are not consumed on the premises between 10 p.m. and 5 a.m.

Conduct of Refreshment Houses. A person licensed to keep a refreshment house must not :

(1) Sell or suffer to be sold in the premises any intoxicating liquor (unless he is duly authorised under the Licensing Acts to sell same) ;

(2)
of Part II of the Betting and Gaming Act, 1960.

(3) Knowingly suffer prostitutes, thieves, or drunken and disorderly persons to assemble at or continue in or upon his premises ; or

(4) Po, suffer, or permit any act in contravention of his licence (1860 Act, s. 32).

Any person who is drunk, riotous, quarrelsome, or disorderly in a licensed refreshment house and refuses or neglects to quit such premises on request of the keeper or his servant or any constable, commits an offence, and all constables are required to assist in expelling such a person (1860 Act, s. 41).

It is an offence for the keeper of any refreshment house, whether licensed or not, to knowingly harbour reputed thieves or allow the deposit of stolen goods therein (Prevention of Crimes Act, 1871, s. 10). See " Receiving Stolen Property," Chap. 14.

Closing Hours. A non-licensed refreshment house must not be kept open for the consumption of refreshments thereon between 10 p.m. and 5 a.m. (1860 Act, s. 6).

Apparently a licensed refreshment house may be kept open at any time.

Police Powers. A constable, when and so often as he thinks proper, may enter any premises licensed as a refreshment house. If the keeper or his employee refuses to admit a constable demanding admittance, the licensee is liable to fine and disqualification (1860 Act, s. 18 and 1961. Sched. 1).

If authorised by the local authority a constable may prosecute

respect of a Refreshment House Licence (Finance Act 1961,s. 11).

Licensing, Carlisle District. The powers of the Secretary of State for the management of the intoxicating liquor trade in the

508 PART VI. OTHER OFFENCES AND
REGULATIONS

Carlisle district (as defined in the 9th Sched.) are given in ss. 76 to 80 of the Licensing Act, 1953.

He may sell intoxicants for consumption on or off premises and is assisted by a local advisory committee (s. 76) and he has the monopoly of the liquor trade except where licensed premises existed when state management came into operation and continue to exist (s. 77).

Licensing New Towns. The Licensing Act, 1953, ss. 68 to 75 deals with liquor licensing matters in new towns on the following lines.

A new town shall have a committee to arrange for licensed premises (s. 68) and which shall make proposals as to the establishment and distribution of such premises and submit them to

(s. 70). The Licensing Justices will deal with the grant of new licences and removals (s. 71).

Methylated Spirits. Under the Customs and Excise Act, 1952, methylated spirits means spirits mixed in Great Britain or Northern Ireland with some other substance in accordance with Regulations made under the Act (s. 307). No person shall make or deal wholesale in same unless he holds an excise licence as an authorised methylator (s. 116) nor shall a person sell same without an excise licence (s. 117).

No person shall prepare or sell as a beverage or mixed with a beverage any methylated spirits or methylalcohol or their mixtures (s. 121).

The sale of methylated spirits is not affected by the Licensing Act, 1953. see s. 164 of that Act.

Chapter XXXIX

PUBLIC HEALTH

Content!

	Page		Page
Medicines . . .	511	Burials . . .	519
Poisonous . Dangerous	511	Fires	520
drugs Mental health	513	Coroners and inquests	523
Nursing homes	515	Fumigation	523
	517	Abatement of Litter	523
riages.	517	Noise abatement	

Public Health Acts. The Public Health Acts form *a*. code of regulations designed to promote the good health of the community. They create many offences which, strictly speaking, are not within the sphere of police work, but it is advisable that police should have some knowledge of these Acts. Offences against these laws are dealt with by the Local Authorities, and as a rule the duty of the police is confined to reporting such breaches of the Acts as may come under their notice.

Portions of these Acts are consolidated in the Public Health

Attorney General, be taken by anyone other than a party aggrieved or a Council or body whose function it is to enforce the

prepared, stored or kept for sale must be kept clean, etc., so as to and Drugs Act. 1955, s. 13 and Food Hygiene Regulations. 1955).

A collector of or dealer in rags, old clothes or similar articles must not sell or deliver from premises used for the business or when

thing to anyone under fourteen. (Public Health Act, 1936, s. 154 as amended by Public Health Act. 1961, s. 42).

An authorised officer of a Local Authority may examine any food intended for human consumption which has been sold or is exposed or offered for sale or is kept for sale, and if it appears

with by a Justice. (Food and Drugs Act. 1955. s. 9).

Horseflesh. The flesh of horses, asses or mules may not be

510 PART VI. (i)THER OFFENCES AND REGULATIONS

sold, exposed or kept for sale for human food elsewhere than in a place on which a notice is displayed stating that horseflesh is sold there (Food and Drugs Act, 1955, s. 24). See "Knackers," Chap. 35.

Infectious (Notifiable) Diseases. The exposure in public places, shops, public conveyances, etc., of persons or articles liable to convey notifiable disease will be an offence. Infected articles, conveyances, premises, etc., must be disinfected.

Relatives, attendants or occupiers and doctors must notify certain infectious diseases to the medical officer of health of the district.

The notifiable diseases include smallpox, diphtheria, cholera, croup, erysipelas, scarlet fever, typhus, typhoid, enteric and relapsing fevers. See Public Health Act, 1936, Part V, and s. 343.

Nuisances. The Local Authority has power to deal with refuse, scavenging, noxious matter, keeping of animals, etc. (1936 Act, Part II, ss. 72-82). Also nuisances of ponds, rivers, etc., and it is an offence to deposit ashes, stones, dust, etc., in rivers, streams, etc. (s. 259).

If the following are in such a state as to be a nuisance or prejudicial to health, viz. any premises, any animal so kept, any accumulation or deposit, any dust or effluvia from any trade, etc., any factory, workshop or workplace, the Local Authority may serve notice on the person responsible requiring him to abate same, which is termed a statutory nuisance. If the nuisance is not abated the person responsible may be summarily prosecuted, fined and ordered to abate the nuisance (1936 Act, Part III, ss. 91-100).

Porters, etc. The Local Authority may licence (yearly) luggage porters, light porters, public messengers or commissionaires and has power to revoke such licences (Public Health Acts Amendment Act, 1907, s. 84).

Offensive Trades. Certain noxious or offensive trades, businesses or manufactures, are not to be established without the consent of the Local Authority. Nuisance caused by the effluvia from the products used in trades may be dealt with summarily on proof that same is a nuisance or prejudicial to health (1936 Act, ss. 92, 107-109).

Sanitary Conveniences used in Common. It is a summary offence for any person to injure or improperly foul same (1936 Act, s. 52).

Smoky Chimneys. The Clean Air Act, 1956 makes provision for abating the pollution of the air, by prohibiting the issue of dark smoke from chimneys, by requiring that new furnaces shall be as far as practicable smokeless and by requiring that grit and dust from furnaces shall be minimised. The duty of enforcing the provisions of the Act is laid on the Local Authority.

512 PART VI. OTHER OFFENCES AND
REGULATIONS

poisons named in Part II of the list, and who is known as a
" listed seller of Part II poisons."

Local Authority. This is the council of a county, county
borough or Metropolitan borough and the Common Council of
the City of London.

The local authority shall keep a list of persons entitled to sell
the poisons in Part II of the Poisons List, and a person having
premises in the area may apply to have his name put in the list
as a person authorised to sell such poisons in such premises.
He must pay a fee and may be refused if he or his premises are
not considered fit. If on the list and if he is convicted of an
offence the Court may order his name to be removed from the

who may enter premises, examine, inquire and take samples,
and they may prosecute offenders and conduct the proceedings.

The Pharmaceutical Society also has inspectors with similar
powers as regards sellers of poisons.

Sale of Poisons. It shall not be lawful for a person to sell

(1) Part I poisons unless he is an authorised seller of
poisons, selling on duly registered premises under supervision
of a registered pharmacist.

(2) Part II poisons unless either he is an authorised seller
of poisons selling on duly registered premises or his name is
in the " local authority's list ", and he sells in the premises so

(3) Any poison unless the container of the poison is duly
labelled with the name and proportion of the poison, the word
" poison " and the name and address of seller.

Poison shall not be sold or offered for sale by means of an
automatic machine.

Salt of Part I Poisons. As stated above only an authorised
seller of poisons may sell such poisons, and it shall not be lawful

(a) To sell same to any person unless that person is certified
in writing (as prescribed) or is known by the seller, to be a
person to whom the poison may properly be sold.

(6) To deliver same until the sale is recorded (as prescribed)
in a book and the purchaser has signed the entry.

Exemption from the above restrictions is allowed in the case

Of

(1) Medicines provided or ordered by a doctor, dentist or
veterinary surgeon, or by an authorised seller of poisons, but
same must be labelled with name and address of the provider
and a record (as prescribed) shall be kept.

(2) Wholesale sales, and sales for export, to doctors, etc.,
hospitals, etc., public services, etc.

Penalty. The general penalty prescribed for breach of the
Act or of any rules made under the Pharmacy and Poisons Act,

1933 is, on summary conviction, fine not exceeding £50, and £10 a day for a continuing offence, and the fact that an employee in supplying poison acted without the authority of the employer will not be a defence.

Proceedings may be taken within twelve months after the offence.

Dangerous Drugs. The Dangerous Drugs Act, 1951 regulates the manufacture, disposal, etc., of certain drugs regarded as dangerous.

The law on this subject is intended to prevent any abuse of such drugs and to put a stop to the traffic in them for the purposes of intoxication and stimulation. The constant taking of these drugs (often described as "dope") has most harmful effect on the general health and they should not be taken unless on medical advice and for remedial purposes.

Part I of the Act (ss 1-4) deals with raw opium, coca leaves, Indian hemp and its resins which are not to be imported or exported without licence.

Part II (ss. 5-7) prohibits the import or export of opium prepared for smoking and makes it an offence to make, sell, have in possession, smoke, allow in premises for smoking, etc., any such opium.

Part III (ss. 8-10) provides for regulations to control manufacture, sale, use, etc., of medicinal opium, extract of Indian hemp, morphine, cocaine, etc., etc.

Part V (ss. 13-26) s. 14 : A constable or person authorised by the Secretary of State may enter the premises of a person dealing in above drugs and inspect books and stocks of any such drugs, and a Justice, on sworn information, may issue a search warrant authorising entry of premises, search and seizure of any such drugs and documents relating to same. Any delay or obstruction will be an offence.

S. 15 : Breaches of regulations or licences or false statements or aiding, etc., same will be offences punishable summarily or (with consent of the Attorney General or by the Director of Public Prosecutions (s. 18)) on indictment.

S. 18 : Summary proceedings may be taken within 3 months from the date when a Secretary of State gives a certificate that there is evidence sufficient for a prosecution.

S. 19 : A constable may arrest without warrant a person who has committed or attempted to commit any offence against the

that the person will abscond unless arrested or if his name and address are unknown and cannot be ascertained.

Dangerous Drugs Regulations, 1953, as amended in 1957 and 1961. Part I (Regs. 1-4) applies to the raw opium and other drugs mentioned in Part I of the Act and prohibits the supplying, procuring, advertising and possession of same except by duly authorised or licensed persons.

M.P.L.

PART VI. OTHER OFFENCES AND REGULATIONS

doctors, veterinary surgeons, authorised sellers of poisons, hospitals, etc., pharmacists, laboratories in hospitals, colleges, etc., lie analysts, sampling officers, pharmacy inspectors are authorised so far as is necessary for their functions to have and supply such drugs. Every such drug must be kept safely in a locked receptacle

greater of what he receives and what he supplies.

Part II (Regs. 6-18) applies to medicinal opium, extract of

of an hemp, morphine, heroin, cocaine, pethidine, and many

of drugs as given in the Third Schedule (See 1957 Regs.).

the manufacture, supply, procuring, advertising and possession of such drugs is prohibited except by authorised or licensed persons.

eg. 9 : A person who is supplied with such a drug by a doctor, veterinary surgeon or on prescription from same is deemed to be authorised to have it.

eg. 10 : Doctors, dentists, veterinary surgeons, hospitals, etc.,

in

doctors and head dispensers in hospitals are authorised to have and supply such drugs so far as it is necessary for the exercise of

that a dentist should supply same only in course of treatment in the presence and a sister must act under doctor's orders.

Any authorised holder of any such drugs must keep them in a locked receptacle except when in use.

eg. 13 : The master of a ship without a doctor may have the necessary drugs and must keep a record of the use of same.

A farmer or stock owner who holds a certificate from the chief officer of police of his area (see Fourth Schedule) may hold up to ounces of tincture of opium to be kept under lock and key and used for administration to animals.

A certain midwife on a "midwife's supply order" signed by the medical officer of health may have medicinal opium, tincture of opium and pethidine, to be kept in a locked receptacle, used only for the exercise of her profession and record kept of its use. 3g. 14 :

Deals with the form of a prescription for a dangerous

and Reg. 15 instructs the supplier how to deal with such a prescription. eg. 16 : Gives the requirements as to packages or bottles of

drugs which should be properly marked. eg. 17 : Contains the directions as to the keeping of registers records by suppliers of such drugs.

Part III (Regs. 20-25) applies to methylmorphine (codeine), morphine (dionin) and compounds. Their manufacture must be under licence.

The supply of same by a wholesale dealer must be under licence the package or bottle must be marked with the amount and he must keep a register.

distribution of same by a person other than a wholesale dealer and an authorised seller of poisons may compound and sell any

Part IV (Regs. 26 -40) Reg. 28 : Requires that a supplier of drugs mentioned in Parts I and II must not deliver to a person such a drug unless such person is authorised or licensed to be in posses -

recipient that he, as messenger, is empowered tp take it to the

dangerous drug in the ordinary course of his business.

Reg. 33 : All registers, records, etc., must be preserved for two years, except national health prescriptions.

Reg. 37 : " Register " means a bound book, not loose leaf or

Mental Health. The Mental Health Act, 1959, which makes fresh provision with respect to the treatment and care of mentally disordered persons, came into operation on 1st November, 1960.

" Mental disorder " means mental illness, arrested or incomplete order or disability of mind ;

" Severe subnormality " means a state of arrested or incomplete development of mind which includes subnormality of intelligence,

living an independent life or of guarding himself against serious exploitation, or will be so incapable when of an age to do so.

" Subnormality " means a state of arrested or incomplete development of mind (not amounting to severe subnormality) which includes subnormality of intelligence and which requires or is susceptible to medical treatment or other special care or training of the patient ;

" Psychopathic disorder" means a persistent disorder or intelligence) which results in abnormally aggressive or seriously irresponsible conduct, and requires or is susceptible to medical treatment (s. 4).

Return and re-admission of patients absent without leave Where a mentally disordered patient absents himself from hospital without leave, or fails to return to the hospital at the expiration

any place where he is required to reside in accordance with

taken into custody and returned to the hospital or place by any mental welfare officer, any officer on the hospital staff, any con -

Where a mental patient subject to guardianship absents himself without leave, he may be taken into custody and returned by an officer of a local health authority, any constable, or any person authorised in writing by the guardian or a local health authority, subject to the limitation that in the case of a psychopathic or sub-normal patient he may not be taken into custody after 6 months, and in any other case after 28 days. (s. 40).

Powers of Courts to order hospital admission or guardianship.

Where a person is convicted before a court of assize or quarter sessions of an offence other than an offence the sentence for which is fixed by law, or is convicted by a magistrates' court of an offence punishable on summary conviction with imprisonment, and the court is satisfied on medical evidence that the offender is mentally disordered, it may by order authorise his admission to and detention in a specified hospital or place him under the guardianship of a local health authority or of a person approved by such authority (s. 60).

Warrant to search for and remove patients (s. 135). If it appears to a Justice of the Peace, on information on oath laid by a mental welfare officer that there is reasonable cause to suspect that a

or is being, ill treated, neglected or kept otherwise than under proper control, or (b) being unable to care for himself, is living alone, the Justice may issue a warrant authorising any constable named therein to enter, if need be by force, any premises specified in the warrant in which that person is believed to be, and, if thought fit, to remove him to a place of safety with a view to arranging for his admission to hospital, or for other treatment or

If it appears to a Justice of the Peace, on information on oath laid by any constable or other person who is authorised by or under the Act to take a patient to any place, or to take into custody or retake a patient (a) that there is reasonable cause to believe that the patient is to be found on premises within the jurisdiction of the Justice, and (b) that admission to the premises

the Justice may issue a warrant authorising any constable named therein to enter the premises, if need be by force, and remove the patient (s. 135 (2)1.

A patient who is removed to a place of safety under this section may be detained there for not more than 72 hours (s. 135 (3)).

When executing a warrant under s. 135 (1) above, the constable shall be accompanied by a mental welfare officer and a doctor.

accompanied (a) by a doctor, (b) by any person authorised by or under the Act to take or retake the patient (s. 135 (4)).

It shall not be necessary in any information or warrant under s. 135 (1) above to name the patient concerned (s. 135 (5)).

" Place of safety " includes a police station, a mental nursing home or residential home for mentally disordered persons or any other suitable place the occupier of which is willing temporarily to receive the patient (s. 135 (6)).

Mentally disordered persons found in public places. If a constable finds in a place to which the public have access a person who appears to him to be suffering from mental disorder and to be in immediate need of care or control, the constable may, if he thinks it necessary to do so in the interests of that person or for the protection of other persons remove that person to a place of safety.

A person removed to a place of safety may be detained there for not more than 72 hours for the purpose of enabling him to be examined by a medical practitioner and to be interviewed by a mental welfare officer and of making any necessary arrangements for his treatment or care (s. 136).

Retaking of patients escaping from custody. If any person being in legal custody by virtue of the provisions of the Act escapes (*e.g.* while being conveyed from one place to another or while being detained in a place of safety etc.), he may be retaken (a) in any case, by the person who had his custody immediately before the escape, or by any constable or mental welfare officer, and (6) in the case of persons liable to be detained in hospital or subject to guardianship, by any other person authorised under s. 40, provided that the retaking under (6) must be within 6 months if the patient is over 21 years of age and is psychopathic or subnormal, and within 28 days in any other case (s. 140 (1), (2)).

Nursing Homes. Public Health Act, 1936, ss. 187-195. provides for the registration and inspection of nursing homes, that is, premises for the nursing of persons suffering from any sickness, injury or infirmity, including maternity homes, but not including approved hospitals and any mental nursing homes within the meaning of the Mental Health Act, 1959 (s. 199).

It is a summary offence for any person to carry on a nursing home without being duly registered in respect thereof by the local authority (County or Borough Council). Any certificate of registration must be kept affixed in a conspicuous place in the home.

The Local Authority has power to refuse registration to unfit persons or premises and to cancel registration. Its authorised officers have power to inspect premises carried on or reasonably believed to be carried on as nursing homes and it is an offence to obstruct them. See also " Nurses ", Chap. 29.

Births, Deaths and Marriages. Under s. 203, Public Health Act, 1936, every birth should be notified within thirty-six hours to the Medical Officer of Health of the district, by the father (if

he is residing in the house at the time) and by the person in attendance on the mother.

Under the Births and Deaths Registration Acts, 1874, 1926 and 1953, the birth of every living or stillborn child (except a foetus under 28 weeks gestation) must be reported to the Registrar of Births, Deaths and Marriages within forty-two days. Every death must be reported to the registrar within five days. The body of a deceased person (or of a still-born child) must not be disposed of until the person effecting the disposal has received a certificate from the registrar who has registered the death or an order from the coroner. The person effecting the disposal of the body must within four days notify the registrar as to the date, place, and means of disposal of the body. A dead body is not to be removed out of England without notice to the coroner. Contraventions of these Acts are summary offences.

The Marriage Acts 1949 to 1962 deal with marriage questions and repeal much previous law on the subject.

It is felony for any person to solemnise matrimony falsely pretending that he is in holy orders (s. 75).

A marriage between persons either of whom is under the age of sixteen shall be void (s. 2). It may be a defence to a charge of defiling a girl over thirteen and under sixteen or of indecent assault (Sexual Offences Act, 1956, ss. 6 & 14).

Only the bare facts of any judicial proceeding to secure divorce or restitution of conjugal rights may be published. See Chap. 11.

The making of false declarations, statements, etc., in connection with the registration of births and deaths and the celebration of marriage is also a misdemeanour under the Perjury Act (see Chap. 21) and the falsifying, etc., of official records of same is a felony under the Forgery Act (see Chap. 17).

Burials. Under the Burial Laws Amendment Act, 1880, it is a misdemeanour to interfere in any manner with the decent and orderly conducting of any burial, whether it is being carried out with or without a religious service.

Under the Cemeteries Clauses Act, 1847, it is a summary offence to play games or sports, or discharge firearms (save at a military funeral), or commit any nuisance in a cemetery, or to wilfully and unlawfully disturb persons assembled in a cemetery for the purpose of burying any body therein, or to commit any wilful damage in a cemetery.

The Burial Act, 1857, makes it a summary offence to remove any body or remains of a body from a burial ground without licence.

It is a summary offence to knowingly bury any body in a burial ground which has been closed as such by order (Burial Act, 1855).

It is a misdemeanour at common law to remove without lawful authority a dead body from the grave.

The cremation in proper manner (Cremation Acts, 1902, 1952) of an inquest it is a misdemeanour to prevent it by destruction of the body.

be buried or cremated the body of any person who has died or been found dead in their area in any case where no suitable arrangements for the disposal of the body have been or are being made otherwise than by the council (National Assistance Act, 1948, s. 50).

A Justice on medical evidence may order a dead body in a building to be removed by the local authority to a mortuary or buried forthwith (Public Health Act, 1936, s. 162).

Fires. The Fire Services Acts, 1947 to 1959, direct as follows: Every county council and county borough council shall be the fire authority for its area (s. 4) and two or more may combine for fire fighting purposes (ss. 5-12). Every fire authority shall make provision for fire fighting purposes (s. 1) and shall make arrangements for mutual assistance (s. 2). It will have power to provide and maintain fire alarms and to employ its fire brigade for purposes other than fire fighting purposes (s. 3) and shall ensure the provision of an adequate available supply of water (ss. 13-16).

Any false or fraudulent obtaining or attempting to obtain any payment under the Firemen's Pension Scheme may be dealt with on indictment or summarily (s. 26).

" Fire fighting purposes " means the purposes of the extinction of fire and the protection of life and property in case of fire (s. 38).

Any member of a fire brigade on duty or any constable may enter, and if necessary break into, any premises or place in which a fire has or is reasonably believed to have broken out or any premises or place which it is necessary to enter for the purpose of extinguishing a fire or of protecting from acts done for fire fighting purposes without the consent of the owner or occupier ;

extinguishing fire or for protecting from fire any such premises or place or rescuing any person or property therein (s. 30 (1)).

Any wilful obstruction or interference with a member of a fire summary offence : fine up to twenty-five pounds (s. 30 (2)).

The senior officer present of such fire brigade shall have sole charge and control of all the operations for the extinction of a fire and may require the water supply in an area to be shut off so as to give a greater supply for the extinction of the fire (s. 30 (3), (4))-

520 PART VI. OTHER OFFENCES AND
REGULATIONS

The senior police officer or in the absence of any police the senior fire brigade officer present at a fire may close to traffic any street or stop or regulate traffic in any street (including any alley, passage, etc., whether a thoroughfare or not (s. 38)) when he considers it is necessary or desirable to do so for fire fighting purposes (s. 30 (5)).

It is a summary offence to knowingly give or cause to be given a false alarm of fire to any fire brigade or to any member thereof (s. 31).

Any person who uses a fire hydrant unauthorisedly or who damages or obstructs a fire hydrant otherwise than in consequence of its lawful use will commit a summary offence (s. 14 (5)).

In urban districts it is a summary offence to wilfully set or cause to be set on fire any chimney (but the offender, if necessary, may be indicted for felony), and if any chimney accidentally goes on fire the person occupying or using the premises is liable to a fine of 10s. unless he satisfies the Court that such fire was not due to any omission, neglect or carelessness of himself or his servant (Town Police Clauses Act, 1847, ss. 30, 31 where the Act applies).

Making a fire on a highway is a summary offence. (Highways Act, 1959, s. 117 and 140)

Coroners and Inquests. The office of Coroner is of ancient origin, having been instituted in England in the twelfth century as a Crown office by the Norman Kings.

The Coroner was the King's officer in a county or borough charged to keep a record of all sudden (that is unnatural or against the course of nature) deaths, forfeitures and other occurrences by which money or property might fall to the Crown.

The Coroner with the aid of a jury investigated such matters and his inquiry was called an inquisition, hence the term "inquest."

A Coroner's inquest is a Court of Law although no person is accused before him. The Coroner examines witnesses on oath, and while usually following the ordinary rules of evidence, he may admit any evidence he thinks fit, especially hearsay evidence. His duty is to ascertain how the deceased came by his death, and he is not bound to follow the usual procedure of Law Courts.

The duties of Coroners are now regulated by the Coroners Acts, 1887 to 1954, and the Coroners Rules, 1953.

It is the duty of the Coroner to investigate the death of any person, when informed that such death has been sudden, violent or unnatural. Cases of sudden death under any circumstances of suspicion should be reported to the Coroner.

On reasonable grounds of suspicion a Coroner may institute inquiries into any case of death.

A Coroner may also institute inquiries and hold an inquest regarding the finding of gold or silver hidden in any private place. See "Treasure Trove," Chap. 18.

A Coroner must hold an inquest in the following cases :

(1) When there is reasonable cause to suspect that a person has died either a violent or an unnatural death, or has died a sudden death of which the cause is unknown, or

(2) When a person has died in prison, or

(3) When a person has died under such circumstances as to require an inquest in accordance with any Act of Parliament, e.g. when a person confined in a mental or inebriate institution dies without satisfactory medical evidence as to the cause of death (1887 Act, s. 3).

He must have reasonable cause to suspect that death may have been due to other causes than common illness before he is entitled to hold an inquest. The question whether an inquest ought to be held is one for the Coroner to decide on the circumstances of each individual case.

The body should be lying within his jurisdiction before the Coroner may hold an inquest. It is a misdemeanour at common law to dispose of a body in order to prevent an inquest being held or to obstruct the Coroner or his jury in their inquiry.

Even if the body has been destroyed or is not recoverable, an inquest may be held if the Secretary of State so directs (1926 Act, s. 18).

A Coroner may allow a body to be moved into the jurisdiction of another Coroner so that an inquest may be held there (1926 Act, s. 16).

A Coroner's inquest may be held anywhere, but it must not be held in premises licensed for the sale of intoxicants if other suitable premises are available (Licensing Act, 1953, s. 157). It should be held within a reasonable time after death.

The Coroner should summon a jury if there is reason to suspect that the death was due to

(1) Murder, manslaughter or infanticide, or

(2) Any accident, poisoning or disease which must be notified to any Government department or official, e.g. mining, factory, explosives, railway and petroleum accidents, and certain industrial poisonings and diseases, or

(3) An accident arising out of the use of a vehicle in a street or public highway, or

(4) Circumstances prejudicial to the health or safety of the public, e.g. food poisoning cases, epidemics, deaths under anaesthetics, or has

(5) Occurred in prison or under such circumstances as to require an inquest under some Statute other than the Coroners

522 PART VI. OTHER OFFENCES AND REGULATIONS

Apart from this requirement a Coroner may hold an inquest either with or without a jury as he thinks fit (1926 Act. s. 13).

examination of the body by a qualified medical man (1926 Act, ss. 22 to 24, and Coroners Rules, 1953, rr. 2 to 10). If the chief officer of police informs the Coroner that a person may be charged with the murder etc. of the deceased, the Coroner should consult him as to the pathologist who is to make the post mortem examination (r. 3). If the chief officer of police desires to be represented at this examination he may be represented by a member of his force (r. 4).

A Coroner's jury consists of not less than seven or more than eleven persons. Any person exempted from ordinary jury service is exempt from service on a Coroner's jury. The Coroner must view the body but the jury need not do so unless they so desire or unless the Coroner so directs (1926 Act, s. 14).

Under the Coroners Rules, 1953, an inquest should be carried on in a formal manner (r. 13) and should be held in public but the Coroner may exclude the public in the interests of national security (r. 14). It should not be held on a Sunday (r. 15). A properly interested person may be allowed by the Coroner to examine any witness either in person or by counsel or solicitor, but the police cannot examine witnesses except through counsel or solicitor (r. 16). The Coroner may examine a witness first and the witness may be examined lastly by his representative (r. 17). The proceedings shall be directed *solely* to ascertain :

- (1) Who the deceased was,
- (2) How, when and where he came by his death,
- (3) The persons, if any, to be charged should the jury find that death was caused by murder, manslaughter or infanticide,
- (4) The particulars required for the registration of his death (r. 26).

The Coroner shall make notes of the evidence at every inquest other than the ones at which he takes depositions (r. 30).

No person shall be allowed to address the Court as to the facts (r. 31).

The Coroner shall sum up the evidence to the jury and direct them as to the law before they consider their verdict (r. 32).

The jury are sworn. The Coroner may accept the verdict of the majority of the jury provided the minority is not more than two (1926 Act, s. 15). There may be an appeal to the Queen's Bench.

If a juror or witness duly summoned to attend an inquest does not attend he may be fined £5 (1887 Act. s. 19). Such an absent witness may also be arrested and brought there on the Coroner's warrant.

A person shall not be summoned to attend as a juror at inquests held in the same Coroner's area on more than 3 days (adjournments excepted) in any year (r. 35).

Any prisoner concerned should always be given the opportunity

the Secretary of State to bring a prisoner to an inquest (C.J. Act, 1961, s. 29).

The inquisition or finding of a Coroner's jury (viz. their verdict) is to be in writing signed by the jurors and by the Coroner. If it charges any person with murder, manslaughter or infanticide, the Coroner may commit such person for trial (1926 Act, s. 25).

If the chief officer of police requests the Coroner to adjourn murder, manslaughter or causing death by reckless or dangerous the Coroner shall adjourn the inquest for 14 days or longer and on police application he may grant a further adjournment (Coroners Rules, 1953, r. 22).

If the Coroner is informed before the jury have given their verdict that some person has been charged before examining

procuring the suicide of the deceased, he shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the criminal proceedings, and then, if he thinks fit, he may resume the inquest as a fresh inquest (1926 Act, s. 20,

Fumigation. When premises and articles not in the open

and observed. See the Hydrogen Cyanide (Fumigation) Act 1937, and the Regulations of 1951 thereunder.

Abatement of Litter. If any person without proper authority throws down, drops or otherwise deposits in, into or from any place in the open air to which the public are entitled or permitted to have access without payment, and leaves anything whatso

of £10. by a fine

available for public use shall be treated as being a place in the

Power to institute proceedings for an offence under this Act is given to many local authorities, without prejudice to the powers of any other person. (Litter Act, 1958. s. 1).

Noise Abatement. The Noise Abatement Act, 1960. makes new provisions in respect of the control of noise and vibration.

S24 PART VI. OTHER OFFENCES AND REGULATIONS

A noise or vibration which is a nuisance shall be a statutory nuisance (s. 1). (See Public Health Acts. *ante*).

and 8 a.m. for any purpose, and (6) at any other time for advertising any entertainment, trade or business. Any contravention of the above is a summary offence. " Street " includes a highway, and any other road, footway, square, or court which is for the time being open to the public.

However, the above does not apply to the operation of a loud-speaker (a) used for police, fire brigade or ambulance purposes, or by a local authority within their area ; (fr) used for communicating with persons on a vessel for the purpose of directing the movement of a vessel ; (c) if the loudspeaker forms part of a public telephone system ; (rf) used on a vehicle to entertain or communicate with the driver or passenger, or is part of an instrument for giving warning to other traffic, and is used so as not to give cause for annoyance to persons in the vicinity ; («) used by transport undertakings to make announcements to passengers or employees ; (/) by a travelling showman on land used for a pleasure fair ; (g) in case of emergency.

Provision is made for the use of a loudspeaker between 12 noon and 7 p.m. to advertise the sale of perishable commodities for human consumption if the advertising is by means other than words and the loudspeaker is operated so as not to give reasonable cause for annoyance to persons in the vicinity.

" Loudspeaker " includes a megaphone or any other device for amplifying sound.

Proceedings for an offence under this section may, without prejudice to the powers of any other person to take such proceedings, be taken by the local authority (s. 2).

SPEED LIMITS FOR MOTOR VEHICLES

Maximum speed limits in miles per hour on public roads are prescribed by the First Schedule to the Road Traffic Act, 1960, as amended by the Motor Vehicles (Variation of Speed) Regs. 1962, as follows:

LIMITS OF SPEED FOR VEHICLES OF CERTAIN CLASSES OR DESCRIPTIONS

(See also paragraph 13)

1. *Passenger vehicles*, that is to say vehicles constructed solely for the carriage of passengers and their effects, and *dual-purpose vehicles*:

- (1) vehicles having an unladen weight exceeding 3 tons, or adapted to carry more than seven passengers exclusive of the driver.....
- (2) vehicles drawing a trailer
 - (a) in the case of a motor car adapted to carry not more than seven passengers exclusive of the driver, if the trailer
 - (i) is a living van, or (ii) being a load-carrying trailer, has an unladen weight not exceeding 5 hundredweight, or (iii) being neither a living van nor a load-carrying trailer, has an unladen weight not exceeding 15
 - (b) in any other case
- (3) vehicles drawing more than one trailer
.. 20
- (4) vehicles not fitted with pneumatic tyres and vehicles drawing trailers not so fitted .. 20
- (5) invalid carriages
20
2. *Goods vehicles*, that is to say, vehicles constructed or adapted for use for the conveyance of goods or burden of any description, but not including dual-purpose vehicles:
 - (1) generally.....40

<i>Class or description of Vehicle</i>	<i>Maximum speed, miles per hour</i>
(2)	
(a) in the case of a trailer drawn by a heavy motor car, and	
(6) in the case of a trailer drawn by a motor car if the trailer (i) being a load-carrying trailer, has an unladen weight exceeding 5 hundredweight, or (ii) being neither a living van nor a load-carrying hundredweight	30
(3) vehicles drawing more than one trailer	20
(4) vehicles not fitted with pneumatic tyres, if drawing trailers or having an unladen weight exceeding 1 ton, and vehicles drawing trailers not fitted with pneumatic tyres	20
(5) vehicles not fitted with resilient tyres and vehicles drawing trailers not so fitted	5
3. <i>Motor tractors:</i>	
paragraph	20 sub-
;2) vehicles fitted with pneumatic tyres, equipped with springs and wings and which satisfy the conditions as to brakes specified in sub-paragraph (a) of paragraph 19 of this Schedule or such vehicles drawing a trailer so fitted and equipped and which satisfies the conditions as to brakes specified in sub-paragraph (b) of the said paragraph 19.....	30
(3) if drawing two or more trailers	12
(4) if not fitted with resilient tyres or drawing trailers not so fitted	
4. Heavy locomotives and light locomotives:	
(1) generally, except for vehicles falling within the following sub-paragraph	12
(2) vehicles fitted with pneumatic tyres, equipped with springs and wings and which satisfy the conditions as to brakes and weight specified in sub-paragraphs (a), (c) and (d) of paragraph 19 of this Schedule or such vehicles drawing a trailer so fitted and equipped and which satisfies the conditions as to brakes specified in sub-paragraph (6) of the said paragraph 19 if the further conditions as to the weight of a vehicle and trailer specified in sub-paragraph («) of the said paragraph 19 are complied with	20
(3) if drawing two or more trailers	12

SPEED LIMITS FOR MOTOR VEHICLES

527

<i>Class or description of Vehicle</i>	<i>Maximum speed, miles per hour</i>
(4) if not fitted with resilient tyres or drawing trailers not so fitted	

TRACK-LAYING VEHICLES

5. *Motor Cars and Heavy Motor Cars.*
. 20
6. *Motor Tractors:*
 - (1) generally 20
 - (2) if drawing two or more trailers
. 5
7. *Light Locomotives:*
 - (1) generally 12
 - (2) if drawing more than two trailers.
5
8. *Heavy Locomotives*
5
9. Track-laying vehicles which do not satisfy both of the following conditions :
 - (a) and the weight-carrying rollers, and
 - (b) that the vehicle is fitted with resilient material between the rims of the weight-carrying rollers and the road surface,
 and vehicles drawing track -laying trailers which do not satisfy both of those conditions
. 12
10. Track-laying vehicles satisfying neither of the said conditions and vehicles drawing track-laying trailers satisfying neither of those conditions
5
11. Combined track-and-wheel vehicles not fitted with resilient tyres, and vehicles drawing trailers which are combined track-and-wheel vehicles not fitted with resilient tyres
5
12. Vehicles drawing trailers, where the drawing or any of the drawn vehicles, not being a track-laying vehicle, is not fitted with resilient tyres
5

INTERPRETATION AND APPLICATION

13. A vehicle falling within two or more descriptions specified in this Schedule shall be treated as falling within that description for which the lowest limit of speed is specified.
14. (1) In this Schedule " dual-purpose vehicle " means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed two tons and which either:

- (a) satisfies the conditions as to construction specified in the following sub-paragraph; or
 - (fc) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle. (2) The conditions as to construction referred to in the foregoing sub-paragraph are the following:
 - (a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel,
 - (i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered backrests, attached either to the seats or to a side or the floor of the vehicle : and (it) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than two square feet on each side and not less than one hundred and twenty square inches at the rear ;
 - (c) the distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats sub-paragraph (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the backrests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle.
15. In this Schedule " load-carrying trailer " means a trailer, not being a living van, which is constructed or adapted for use for the conveyance of goods or burden of any description.
16. In this Schedule " articulated vehicle " means a vehicle which consists of a motor vehicle drawing a trailer where the trailer is so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle, and when the trailer is uniformly loaded not less than twenty per cent of the weight of its load is borne by the drawing vehicle.
17. In this Schedule, in relation to a vehicle (including a trailer)
- (a) " fitted with pneumatic tyres " means that every wheel of the vehicle is fitted with pneumatic tyres; (6) " fitted with resilient tyres " means that every wheel of the vehicle is fitted either with pneumatic tyres or with other soft or elastic tyres; and (c) " equipped with springs and wings" means that the vehicle

SPEED LIMITS FOR MOTOR VEHICLES

528a

each wheel and the frame of the vehicle, and (ii) unless adequate protection is afforded by the body of the vehicle, is provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

18. In this Schedule " track-laying" means so designed and constructed that the weight is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks, and " combined track-and-wheel vehicle " means a vehicle so designed and constructed that its weight is transmitted to the road surface by a combination of wheels and continuous tracks.

19. The conditions referred to in paragraphs 3 (2) and 4 (2) of this Schedule are as follows:

(a) the motor tractor or, as the case may be, the locomotive shall be equipped with an efficient braking system having two means of operation or with two efficient braking systems each having a separate means of operation, the system or systems being so designed and constructed that, notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there is still available for application by the driver to not less than half the number of the wheels of the vehicle brakes sufficient under the most adverse conditions to bring it to rest within a reasonable distance;

(6) the trailer shall be equipped with an efficient braking system so constructed

(i) that when the trailer is being drawn the brakes are vehicle
to at least two of the wheels of a trailer having not more than four wheels and to at least four, but not less than half, of the wheels of a trailer having more than four wheels, and (ii) that it is not rendered ineffective by the non-rotation

of the engine of the drawing vehicle;

(c) the weight transmitted to the road surface by any one wheel of the locomotive, where no other wheel is in the same line transversely, shall not exceed 4½ tons, the total weight so transmitted by any two wheels in line transversely shall not exceed 9 tons and the sum of the weights so transmitted

(i) in the case of a vehicle having not more than four

(ii) in the case of a vehicle having more than four but not more than six wheels, 20 tons, and

- (iii) in the case of a vehicle having more than six wheels, 24 tons;
- (if) the weight transmitted by the locomotive (whether laden or unladen) to any strip of the surface of a road on which it apart on that surface at right angles to the longitudinal axis of the vehicle shall not exceed 11 tons; and
- («) the maximum laden weight of the locomotive and trailer shall not exceed 22 tons or, if the trailer is fitted with power-assisted brakes which can be operated by the driver of the drawing vehicle and are not rendered ineffective by the non-rotation of its engine, and if that vehicle is equipped with a warning device so placed as to be readily visible to indicate an impending failure or deficiency in the vacuum or pressure system, 32 tons.

20. For the purposes of this Schedule measuring or testing apparatus, and any ballast necessary in connection therewith, drawn upon one wheel by a vehicle, when used solely for or in connection with testing or measurement purposes, shall not, if the road surface a weight exceeding 2 hundredweight, be treated as a trailer.

21. For the purposes of the two foregoing paragraphs, two wheels of a vehicle shall be regarded as one wheel if the distance between the centres of their respective areas of contact with the road is less than 18 inches.

22. A heavy motor car or motor drawing a trailer and being used as a public service vehicle or as a goods vehicle shall be treated as not drawing a trailer if the trailer is used solely for the carriage of a container or containers for holding, or plant and materials for producing, for the purpose of the propulsion of the drawing vehicle, any fuel that is wholly gaseous at sixty degrees Fahrenheit under a pressure of thirty inches of mercury.

23. (1) Paragraphs 1 to 4 of this Schedule do not apply to, and paragraphs 5 to 12 apply only to, track-laying vehicles and vehicles drawing track-laying trailers or trailers some of which are track-laying.

(2) Paragraphs 1 to 12 of this Schedule do not apply to vehicles for the time being used in the conduct of experiments or trials

APPENDIX II
REGULATIONS AS TO THE CONSTRUCTION
AND USE OF MOTOR VEHICLES AND
TRAILERS

(See Chapter 25, ROAD VEHICLES)

The Motor Vehicles (Construction and Use) Regulations, 1955, 1956, 1957, 1959, 1960, 1961 and 1962, apply, except where the con-

motor vehicle and trailer must be wheeled or a tracklaying vehicle except motor cycles and invalid carriages which must be wheeled (Reg. 5). Each of these regulations when referred to herein will be indicated by the letters " Reg." and the number of the regulation.

The Construction and Use (Tracklaying Vehicles) Regulations, Each such regulation when referred to will be indicated by the letter " T " and the number of the regulation.

Many of the regulations governing wheeled or tracklaying vehicles are identical and have been combined under the following

given. For example, " (Reg. 64 and T. 44) " means that the same rule applies to both wheeled and tracklaying vehicles.

Exemptions. Before dealing alphabetically with the subjects of these regulations it will be well to mention specifically certain exemptions allowed.

Road rollers are not subject to Regs. 8, 9, 16, 19, 29, 30 and 36

31 (T. 4).

Vehicles proceeding to a port for export are not subject to Regs. 6 to 9, 11 to 14, 16, 17, 20 to 62 and 74. Regulations 8, 9, 13, 16, 30, 36, 40, 44, 45, 53, 56, 57, 59 to 63 and 65 to 72, apply only to motor vehicles and trailers used upon highways (Reg. 4).

A motor vehicle registered before the end of one year from the making of any regulation affecting construction or weight is exempt from its requirements for 5 years providing it complies with any previous similar regulations (Reg. 4 and T. 4).

Motor vehicles or trailers brought into Great Britain temporarily by a person resident abroad are not subject to many of the Construction Rules of Part II of the Regulations, and only

International Convention, 1926 or of the Road Traffic Convention, Geneva, 1949 (Reg. 4).

Also Regs. 6 to 9, 11 to 13, 15 to 20, 23 to 72 and 102, and Track-laying Regs. 5 to 7, 9 to 12, 14 to 19, and 22 to 50, also 73 and 75 shall not apply to any vehicle in the service of a visiting force (Reg. 4 and T. 4).

Regs. 5-81 and 103 shall not apply to a motor vehicle submitted for a test under s. 65 R.T. Act, 1960, while it is being used on a road in connection with that test by a person empowered to carry out that test or by a person acting under his direction (Reg. 4 (8)).

The provisions of Regs. 5-58 (except Reg. 5 (2)) applicable to trailers and Regs. 64 and 92 shall not apply (a) to any towing implement drawn by a motor vehicle while it is not attached to any vehicle except the one drawing it if (i) the towing implement is not being drawn during the hours of darkness, and (ii) the drawing vehicle does not exceed 20 m.p.h., or (b) to any vehicle drawn by a motor vehicle in the exercise of a statutory power of removal (Reg. 4 (9)).

Any reference in the Regulations to a vehicle which is being drawn by a motor vehicle in the exercise of a statutory power of removal or to a broken down vehicle shall include a reference to any towing implement used for drawing any such vehicle (Reg. 4 (10)).

In relation to a land tractor which complies with the conditions

18, 32 and 33 shall not apply ; (ft) Reg. 16 and T. 15 (mirrors) shall not apply if the driver has a clear view to the rear ; (c) Reg. 59 and T. 40 (markings) shall not apply if its unladen weight does not exceed 3 tons. The conditions are that while a land tractor is used on a road (a) it does not haul any object except (i) a land implement or a land implement conveyor which is being hauled to or from the site of agricultural, grass cutting, forestry, land levelling, dredging or similar operations or from one part of a farm or forestry estate to another part ; or (ii) an agricultural trailer ; (b) it does not carry any load except any such load as it is constructed or adapted to carry ; (c) if it is a three-wheeled vehicle fitted with a removable appliance, it does not carry any load ; (d) if it is a land tractor fitted with a removable appliance in or on which any such load as aforesaid could be carried, it does not carry any load in or on such appliance unless there is at least 4 feet between the centre of the area of contact with the road

for the carriage of a load and is fitted to the back of the vehicle ; (ii) any wheel on one side of the vehicle, in any other case ; and that of the nearest wheel on the other side ; (e) if it is a land tractor carrying a load in or on a removable appliance in conformity with the foregoing conditions, it does not draw a trailer and not more than one such appliance is fitted to it at any one time or, where one such appliance is a specified appliance for the purposes of s. 13 (4) (a) Finance Act, 1959 (now Vehicles (Excise) Act 1962, Sch. 4, Pt. I. para. 6), not more than two of such appli-

CONSTRUCTION AND USE REGULATIONS

531

ances, fitted at opposite ends of the tractor; (/) if it is not driven at a speed exceeding 20 m.p.h. (Reg. 4A); (T4A applies to paras, (a), (b) and (e) only).

The subjects of the regulations are dealt with alphabetically as follows :

Abnormal Indivisible Load. Means a load which cannot without undue expense or undue risk of damage be divided into two or more loads for conveyance on a road (Reg. 3) and owing to its dimensions or weight can only be carried by motor vehicles or trailers the use of which on roads is lawful only by reason of an Order of the Minister of Transport made under s. 64 (4) of the Road Traffic Act, 1960. See " Special Types " later.

Agricultural Trailer. Means a trailer the property of a person engaged in agriculture which is not used on a road for the conveyance of goods or burden other than agricultural produce or articles required for the purposes of agriculture (Reg. 3 and T. 3).

It need not have springs (Reg. 9 and T. 7), nor trailer plate (Reg. 64 and T. 44), nor soft, elastic or pneumatic tyres when

(T. 36). If it is merely an agricultural vehicle not constructed to carry a load, it does not count as a " trailer " for the purpose of additional attendants (s. 72) or as regards the number of trailers permissible to be drawn (s. 69, R.T. Act, 1960).

A trailer made before 15 Jan., 1931, for the conveyance of horses and cattle and used for that purpose or for some other purpose connected with agriculture need not have soft, elastic or pneumatic tyres (Reg. 56). An agricultural trailer constructed before 1 July, 1947 and drawn by a motor tractor need not have a braking system if laden weight does not exceed 4 tons and is the only trailer drawn and speed does not exceed 10 m.p.h. [Reg. 55).

Ambulances. The restrictions as to driver's hours of duty do not apply (s. 73 R.T. Act, 1960). They may carry gongs, bells or sirens (Reg. 19), and use them if necessary at any time (Reg. 84). The speed limits do not apply if their observance would hinder the use of any vehicle for ambulance purposes (s. 25, R.T. Act, 1960).

The overhang limit does not apply to a motor car used as an imbalance by a local authority (Reg. 43).

Articulated Vehicle. Means a heavy motor car or motor car with trailer so attached to the drawing vehicle that part is superimposed thereon and when trailer is uniformly loaded not less than 10 per cent, of the weight of the load is borne by the drawing vehicle (Reg. 3 and T. 3). In such a case the vehicle itself is deemed to be constructed to carry a load (s. 253, R.T. Act, 1960). A vehicle so constructed that it can be divided into two parts, each of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of R.T.

Act, 1960 *as* that motor vehicle with the other part attached *as a*, trailer (R.T. Act, 1962, s. 18).

Attendant additional to driver is not necessary (Reg. 105 and X. 78).

Brakes. If the trailer is permanently attached, the brakes must be capable of being set so as to prevent 2 wheels from revolving, when the trailer is not being drawn (Reg. 55).

Length. See "Length" later.

The total laden weight shall not exceed 20 tons if the trailer part has less than four wheels. If it has four or more wheels the limit is 24 tons (Reg. 71).

Trailer plate is not necessary (Reg. 64 and T. 44).

Wings are not necessary for the rear wheels of a heavy motor car forming part of an articulated vehicle used only for carriage of round timber (Reg. 41 and T. 33).

Attendants. Two persons shall be employed in driving or attending a heavy or light locomotive on a highway, and if it draws a trailer or trailers, one or more persons in addition to the two aforesaid shall be employed for attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one. This does not apply to a road roller while rolling a road. If a motor vehicle other than a locomotive draws a trailer or trailers on a highway one person in addition to the driver must be carried to attend to the trailer or trailers. As regards "attendants", the term "trailer" does not include a vehicle used solely for carrying water for the motor vehicle or any agricultural vehicle not made to carry a load. Any person causing or permitting

The above requirements as to attendants do not apply to:

- (1) An articulated vehicle (Reg. 105 and T. 78).
- (2) A land locomotive or land tractor drawing a land implement or land implement conveyor (Reg. 105 and T. 78) or a land tractor drawing an agricultural trailer (Reg. 105 and T. 78).
- (3) A motor car or motor cycle drawing a trailer with not more than two wheels or a motor car drawing a 4-wheeled trailer with two close coupled wheels on each side (Reg. 105).
- (4) A motor tractor drawing a closed meat van between doCKS, railway stations and wholesale markets (Reg. 105).
- (5) A motor tractor drawing a machine or implement used for maintenance, repair or cleansing of roads (Reg. 105 and T. 78).
- (6) A motor tractor drawing a trailer designed and used for street cleansing or the collection or disposal of refuse, etc. (Reg. 105).
- (7) A works truck drawing any works trailer, weight unladen of each vehicle not exceeding 30 cwt. (Reg. 105 and T. 78).
- (8) A heavy motor vehicle or motor car drawing a "gas" trailer (Reg. 105 and T. 78).
- (9) A motor vehicle drawing a trailer not over 1 ton weight

CONSTRUCTION AND USE REGULATIONS

533

unladen or a trailer not over 45 cwts. weight carrying permanent apparatus, or a living van not over 2 tons unladen with pneumatic tyres, if in each case the brakes of the trailer act on the overrun of the trailer (Reg. 105). (10 In the case of a road roller (Reg. 105).

(11) A motor vehicle belonging to H.M. Services drawing a trailer with brakes which can be applied by the driver of the

(12) A motor vehicle drawing a broken down vehicle unable to steer (Reg. 105).

(13) A vehicle which is being drawn by a motor vehicle in the exercise of a statutory power of removal in such manner that the drawn vehicle cannot be steered by its own steering gear.

(14) A towing implement which is being drawn by a motor vehicle while it is not attached to any vehicle except the one drawing it.

Brakes. Every motor vehicle (except motor cycles with or without sidecars, invalid carriages and land locomotives first registered on or before 1 Jan., 1932) shall have a braking system so made that it can be set so as to prevent two at least (if a three-wheeler, then one) of the wheels or the tracks from revolving

parking brakes) (Reg. 10 and T. 8).

A brake drum shall not be deemed to form part of a braking system (Reg. 3 and T. 3) but is part of the wheel (Reg. 3).

Every motor vehicle with a braking system with vacuum or pressure reservoir shall have a device to warn the driver of any impending failure of the vacuum or pressure system. This will apply to vehicles first registered on or after 1 Oct., 1937 (Reg. 11 and T. 10). Provided that in the case of a vehicle, the

internal combustion engine and a braking system with vacuum

sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.

Locomotive. If registered before 1st June, 1955, must have an efficient braking system, the brakes acting on all wheels other than steering wheels or on the tracks so as to stop the locomotive within a reasonable distance. This does not apply to a steam locomotive capable of being reversed by its engine, if first registered on or before 2 Jan., 1933 (Reg. 31).

braking system or systems with two means of operation (unless it is a road roller with one means of operation) as specified in Reg. 32.

A tracklaying locomotive should have an efficient braking system (T. 28).

Motor Tractor, Heavy Motor Car and Motor Car. Subject to some exceptions the general rule is as follows :

Every such vehicle shall have an efficient braking system or systems, in either case having two means of operation, so made that on failure of any part (other than a fixed member or brake shoe anchor pin) by which transmission is effected, the driver will have brakes for half the wheels or for two tracks on opposite sides sufficient to stop the vehicle within a reasonable distance. The application of one means shall not affect the pedal or hand lever of the other means of operation (Regs. 35, 39 and 44). (The foregoing also applies to motor cycles but not to a works truck if it has one means of operating the brakes ; Reg. 47). No braking system shall be rendered ineffective by the non-rotation of the engine and the requirement will apply to all wheeled vehicles first registered on or after 1 April, 1938 (and now applies to track layers by T. 29).

The brakes of one means shall be applicable by direct mechanical action. Where any brake shoe can be applied by more than one means of operation all the wheels or tracks shall be fitted with brakes all operable by one of the means of operation (Regs. 35, 39 and 44 and T. 29). One means shall apply brakes directly to half the wheels of a wheeled vehicle, not through the vehicle's transmission gear. In steam wheeled vehicles the engine is deemed an efficient system with one means of operation if it is capable of being reversed and cannot be disconnected from the driving wheels except by sustained effort of the driver (Regs. 35, 39 and 44). If a land tractor is a heavy motor car or a motor car, it will need similar brakes to those it must have if it were a motor tractor (Reg. 4A).

One braking system with one means of operation will be sufficient for a road roller or a non-steam land tractor (Reg. 35 and T. 29), or a works truck (Regs. 39, 44 and 47).

An efficient system or systems with two means of operation will be sufficient for a wheeled heavy motor car first registered on or before 15 Aug., 1928, provided the vehicle is one to which the Sixth Schedule does not apply (Reg. 39).

If there is a failure of any transmission part of a system it will be sufficient if a brake is available for one wheel of a three-wheeled motor car, or for two wheels of a motor car first registered before 1 Oct., 1938 (Reg. 44). The Sixth Schedule of the Regulations

of certain heavy motor cars, motor cars and motor cycles.

Motor Cycle. See above. It shall have an efficient system or systems in either case having two means of operation. On failure of a transmitting part there must be available for one wheel sufficient brakes to stop the cycle (Reg. 47).

CONSTRUCTION AND USE REGULATIONS

535

Invalid Carriage. It shall have an efficient braking system, acting on at least two of the wheels so as to stop the vehicle within a reasonable distance (Reg. 51).

Trailer. Every trailer exceeding 2 cwt. weight unladen shall have an efficient braking system, the brakes acting on at least two wheels when there are not more than four wheels, and on at least four wheels if there are more than four wheels, and on half the wheels of a trailer made after 1 April, 1938. The brakes shall be such as to be applicable by the driver or by some other person on the vehicle or trailer, provided that it will be sufficient in the case of a trailer drawn by a tracklayer or of a trailer not weighing more than 1 ton unladen or of a trailer not made to carry other

or in the case of a living van not over 2 tons unladen if the brakes of the trailer automatically operate on the overrun of the trailer. Also in the case of an articulated vehicle and in the case of any other trailer the brakes shall be capable of being set as to prevent two at least of the wheels or the tracks from revolving when the trailer is not being drawn (Reg. 55 and T. 36).

The above does not apply to a land implement or land implement conveyor, a trailer used by or for local authorities for street cleansing and not carrying a load, a broken-down vehicle being towed, an agricultural trailer constructed before 1 July, 1947, drawn by a motor tractor or a land tractor which is not a motor tractor if its laden weight does not exceed 4 tons, and it is the only trailer drawn and its speed does not exceed 10 m.p.h., and also a trailer

unladen or public service vehicle drawing it (Reg. 55).

In trailers made on or after 1 April, 1938, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle (Reg. 55 and T. 36).

For the application of the brakes of a trailer, see " Trailers."

General. Every part of a braking system and its means of operation shall at all times while the vehicle or trailer is used on a road (a) be kept in good and efficient working order and be properly adjusted, and (6) in the case of vehicles to which the Sixth Schedule of the Regulations applies be so maintained that they comply with the prescribed braking efficiency (Reg. 76).

Every part of a braking system and its means of operation shall be kept in good and efficient working order and be properly adjusted while the vehicle or trailer is used on a road (T. 54).

Brakes may be tested (Reg. 106 and T. 79). See " Testing and Inspection " and " Quitting Vehicle ".

Broken Down Vehicles. When such are being towed in consequence of the breakdown, the following regulations do not apply : Reg. 9 and T. 7 (springs); Reg. 13 (diameter of wheels) ;

Reg. 53 and T. 34, T. 73 (length) ; Reg. 54 and T. 35 (width) ; Reg. 55 and T. 36 (brakes) ; Reg. 57 (tyres) ; Reg. 58 (wings) ; Reg. 64 and T. 44 (trailer plate). See also " Obstruction " and " Tow rope " in this Appendix and " Towed Vehicles," under "Lights on Vehicles," Chap. 24.

The towed vehicle, for the time a " trailer," is still a motor vehicle and its steersman is the person in charge though not driving it.

Control. No person actually driving a motor vehicle shall be in such a position that he cannot have proper control over the same or that he cannot retain a full view of the road and traffic ahead (Reg. 86 and T. 64). See " View."

Crane. If a crane or other special apparatus is more or less permanently fixed on a motor vehicle it is part of the vehicle and is not a " load " (s. 253, R.T. Act, 1960).

There is no restriction on the size of the wheels of a mobile crane (Reg. 13 and T. 12), which also need not have springs (Reg. 9 and T. 7). A mobile crane may be an " engineering plant." See " Special Types of Motor Vehicles."

Dangerous Vehicle. A motor vehicle, its trailers, and all parts and accessories shall at all times *be* in such condition and the number of passengers and the conditions of loading shall be such that no danger is caused or is likely to be caused to any person on the vehicle or trailer or on a road (Reg. 73 and T. 51).

The load shall be so secured as not likely to cause danger to any person on the road by its falling wholly or in part (T.51). The load shall at all times be so secured or in such a position as not likely to cause danger to any person by its falling wholly or in part or by an other movement of the load (Reg. 73). The vehicle or trailer shall not be used for any purpose for which it is so unsuitable as to cause or be likely to cause danger to any person on the vehicle or trailer or on a road (Res. 73 and T. 51).

The number of passengers on a public service vehicle must not exceed that prescribed by Regulations (Reg. 73).

For any contravention of above see " Penalty ".

Deck. This means a floor or platform upon which seats are provided for passengers. " Gangway " means a space provided for access to or exit from passengers' seats but does not include a staircase or any space in front of a transverse seat required only for passengers.

" Single decked vehicle " means a vehicle upon which no part of a deck or gangway is vertically above another deck or gangway.

" Double decked vehicle " means one having two decks, one wholly or partially above the other, each deck having a gangway.

" Half decked vehicle " means one which is not single or double decked (Reg. 3).

Direction Indicator. This means a device on a motor vehicle to enable the driver to indicate his intention to change direction

tered on or after 1 Jan., 1936 which has a direction indicator must comply with the provisions of the Sched. to the Regs. of 1957

Every trailer constructed on or after 1st July, 1955, which has a direction indicator must comply with the Sched. of the 1957 Regs. This Sched., also allows a 6 inch sign giving a steady or

unnecessarily drive backwards (see " Reversing ") ; must not cause obstruction (see " Obstruction ") ; must when driving be in position for control (see " Control ") and full view (see " View ") ; must stop engine and put on brakes when leaving the vehicle (see " Quitting Vehicle ") if driving alone a steam vehicle must stop when attending to the furnace (see " Steam Vehicles ") and should not stand his vehicle on his right side of the road facing on-coming traffic during the hours of darkness (Reg. 90 but see " Obstruction " later). (Regs. 86 to 91 and T. 64 to 69).

Dual Purpose Vehicle. This is a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description being a vehicle whose unladen weight does not exceed two tons and which either :

(a) Is so constructed that it has a permanent rigid roof with or without sliding panel : that behind the driver's seat there is

backrests ; that it has at least one transparent window on each side and in the rear ; and that the distance between the steering wheel and the rearmost back-rest must not be less than one third of the distance between the steering wheel and the end

(fc) is so constructed or adapted that the driving power of

Such a vehicle, as regards speed limits, is regarded as a passenger vehicle see M.V.'s (C. & U.) (A.) Regs., 1957 and Schedule I, R.T. Act, 1960.

Fire Vehicles. If a turntable fire escape is a heavy motor car

drivers' hours of duty do not apply to motor vehicles used for fire brigade purposes (s. 73) and these wheeled vehicles may use gongs, bells and sirens (Reg. 19) at all times when necessary (Reg. 84). The speed limits do not apply if their observance

would hinder the use of any vehicle for fire purposes. See "Exemptions from Speed Limit", Chap. 24. Any expanding or extensible contrivance forming part of a turntable fire escape fixed to a vehicle does not count for length, nor does a fire escape ladder omit for overhang (Reg. 3). A fire escape ladder does not count for length (T. 3).

They need not stop engines, etc., when fire fighting (Reg. 91 and eT. 61).

Furniture Vans. Wheeled trailers specially designed and used for the conveyance of furniture and other similar household effects, if constructed before 15 Jan., 1931, need not have soft elastic or pneumatic tyres (Reg. 56).

Forestry Commission. Vehicles owned by the Forestry Commission and used from time to time for fire fighting purposes may be used when the vehicles are used for fire fighting (Reg. 84).

Gas-propelled Vehicles. "Gas" is any fuel that is wholly gaseous at 60° Fahr. under 30 inches pressure of mercury (Reg. 3). "Gas equipment" is a container for holding or materials for producing gas. "Gas trailer" is one used solely for gas equipment for propulsion of the drawing vehicle (Reg. 3 and T. 3).

Reg. 27 and T. 24 direct that the provisions of the 3rd Sched. to the Regs. shall be complied with in the case of every motor vehicle or trailer which has a container for storage of gas for propulsion of the vehicle. These requirements shall be in addition to any requirements of Regulations for the conveyance of gas.

Attendants for such trailers are not necessary (Reg. 105 and r. 78)

Glass. In the case of wheeled motor vehicles registered on or after the first January 1959 (a) being passenger vehicles or dual-purpose vehicles, the glass of windcreens and all windows on the outside (6) being goods vehicles, other than dual-purpose vehicles, the glass of windcreens and all windows in front and on either side of the driver's seat shall be safety glass. The glass in any motor vehicle registered before 1st January, 1959 (except glass fitted to the upper deck of a double-decked vehicle) shall

be safety glass

(T. 16).

Safety glass is glass that if fractured does not fly into fragments capable of causing severe cuts (Reg. 3 and T. 3). All glass or transparency fitted to motor vehicles shall be maintained in such condition that it does not obscure the vision of the driver while driving on a road (Reg. 75 and T. 53). See also "Mirror."

Heavy Motor Car. Means a motor vehicle constructed itself

2(tons and which is not a " motor car " (s. 253. R.T. Act, 1960).

Attendants. If a trailer is drawn on the highway a person additional to the driver shall be carried to attend it (s. 72). See " Attendants ".

Brakes. It shall have an efficient braking system or systems, in

T. 29). A reversing steam engine will count as one such system, but not on a public service vehicle (Reg. 39). See " Brakes."

Drivers' hours of duty. See R.T. Act 1960, s. 73; Chap.

24.

Markings. The owner shall cause the unladen weight to be marked on the left or near side. This does not apply to a vehicle not registered under the Roads Act, 1920 or the Vehicles (Excise) Act, 1949 (Reg. 59 and T. 40).

Overhang (approximately) shall not exceed 50 per cent, of the distance between the front and rear axles. This does not apply

works trucks or street cleansers or refuse vehicles nor to a load tipping vehicle if overhang does not exceed 45 inches. Seven twenty-fourths of the length remains the limit for vehicles first registered before 1 Oct., 1938, and in road heating vehicles no part of the heating plant shall be taken into account. The overhang may be increased by up to 9 ins. for vehicles not exceeding

it must not exceed seven twenty-fourths of the overall length of the vehicle (Reg. 38).

Trailer. Only one may be drawn on the highway (s. 69). See " Trailers."

Tyres. Every wheel of a heavy motor car must have pneu-

or elastic tyres : heavy motor cars registered on or before 2 Jan., 1933 : heavy motor cars over 4 tons weight unladen mainly

collectors : turntable fire escapes : tower wagons : works trucks (Reg. 40, T. 32).

Weight. The total laden weight on a road shall not exceed for

24 tons. (See Reg. 68).

The total laden weight on a highway of the vehicle and its trailer shall not exceed 22 tons (Reg. 70 and T. 48), provided that in the case of a wheeled trailer drawn by a wheeled heavy motor car the total laden weight may be 24 tons (Reg. 70). If tracklaying and gas propelled the total weight may be 23 tons (T. 48). See " Weight ".

Width shall not exceed 7 ft. 6 in., or if registered on or before 1 July, 1932, and converted to pneumatic tyres, 8 ft., or if a steam vehicle registered before 1 Jan., 1939, 7 ft. 9 in., or if a

road sweeper, 8 ft. or if a public service vehicle or its chassis 8 ft. 2J ins. (Reg. 37 and T. 30).

Wings or mudguards are necessary unless the body gives adequate protection, but this does not apply to the rear wheels when part of an articulated vehicle for conveyance of round timber, nor to an unfinished vehicle going to works for completion (Reg. 41 and T. 33) nor to a works truck (Reg. 41).

Horn, etc. Every motor vehicle, except *a.* works truck, a pedestrian controlled vehicle, a locomotive and (a land tractor which complies with the conditions prescribed in Reg. 4A and T. 4A) and (a road roller, Reg. 4 and T. 2), shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position, which shall not be a gong, bell or siren (Reg. 19 and T. 18). A gong, bell or siren may be used only on vehicles for ambulance, fire brigade, salvage corps or police

(Reg. 19).

A motor vehicle used to convey goods for sale from it may be fitted with an instrument designed to emit a sound to inform the public that goods are on the vehicle for sale. (Reg. 19).

In the case of (*a*) a vehicle which is stationary on a road, at any time, or (*b*) a vehicle in motion on a restricted road between 11.30 p.m. and 7 a.m., no person shall sound any warning instrument on the vehicle. No person shall sound a gong, bell or siren

at any time.

However, the foregoing paragraph shall not apply (1) to vehicles while used for fire brigade, ambulance, salvage corps or police purposes, or forestry commission vehicles used for fighting fires; (2) to the sounding of an instrument for raising an alarm of theft; (3) to the sounding of an instrument designed to inform the public that goods are on the vehicle for sale, if it is sounded only for that purpose and used between 7 a.m. and 11.30 p.m. on a "restricted road". (Reg. 84).

When a track laying motor vehicle is stationary on a road, no person shall use or permit to be used any such instrument with which it is fitted (T. 63).

Such instrument fitted to a track laying vehicle shall not be sounded between 11.30 p.m. and 7 a.m. on a road in which there are street lamps not more than 200 yards apart or in any "built-up area" (T. 62).

Indivisible Loads. No limit is prescribed for the length of a trailer constructed and normally used for the conveyance of indivisible loads of exceptional length (Reg. 53 and T. 34). An indivisible load means one which cannot without undue expense or risk of damage be divided into two or more loads for road conveyance (Reg. 3 and T. 3). See "Special Types of Motor

CONSTRUCTION AND USE REGULATIONS

541 Inspection : See " Testing and Inspection."

Invalid Carriage. Means a motor vehicle not exceeding 5 cwt.

1960). It must be a wheeled vehicle (Reg. 5).

It shall not be more than 7 ft. 2 in. wide (Reg. 50), and it shall not draw a trailer (Reg. 98). It need not have parking brakes (Reg. 10), nor speed indicator (Reg. 12). It shall have an efficient braking system acting on two wheels (Reg. 51) and wings or other similar fittings to catch mud or water thrown up by the wheels (Reg. 52).

Part VI of the R.T. Act, 1960, *re* insurance does not apply to invalid carriages (s. 201).

Land Implement. Means any implement or machinery used with a land locomotive or land tractor for agriculture, grass cutting, forestry, land levelling, dredging or similar operations, and includes a living van and a trailer carrying only the necessary gear and equipment of the land locomotive or tractor which draws it (Reg. 3 and T. 3).

An attendant additional to the driver is not necessary when

Reg. 105 and T. 78). Brakes (Reg. 55 and T. 36), wings (Reg. 58 and T. 39), trailer plate (except living vans) (Reg. 64 and T. 44)

There are no limits to its length (Reg. 53 and T. 34), the diameter of its wheels (Reg. 13 and T. 12) and to its width (Reg. 54 and T. 35). Its tyres need not be soft (Reg. 56, 57 and T. 37).

Land Implement Conveyor. Means a trailer (not exceeding 10 cwt. unladen weight), which is specially designed and constructed for the conveyance of one land implement ; marked with its unladen weight ; fitted with pneumatic tyres, and drawn by a land locomotive or a land tractor (Reg. 3 and T. 3).

It need not have springs (Reg. 9). brakes (Reg. 55), wings (Reg. 58), trailer plate (Reg. 64). An attendant additional to the driver is not necessary when drawn by a land locomotive or land tractor (s. 72, R.T. Act, 1960, Reg. 105 and T. 78).

Land Locomotive. Means a locomotive (over 7½ tons) designed and used primarily for work on the land for agriculture, forestry, land levelling, dredging and similar operations, which is

a road hauls nothing other than land implements or land implement conveyors (Reg. 3 and T. 3).

If it draws a land implement or land implement conveyor the requirement as to attendants does not apply (Reg. 105 and T. 7ft).

If registered before 1 Jan., 1932, it need not have parking brakes (Reg. 10 and T. 8). It need not have springs or resilient material (Reg. 9 and T. 7) nor a mirror (Reg. 16 and T. 15). It

Drivers' hours of duty. See R.T. Act 1960, s. 73, Chap. 24.

Markings. The owner shall have the unladen weight marked on the left or near side (Reg. 59 and T. 40).

Trailers. Three may be drawn on a highway (s. 69) and they need not have wings if drawn by a vehicle restricted to 12 m.p.h. (Reg. 58 and T. 39).

Tyres shall be pneumatic soft or elastic when on the highway, but road rollers (Reg. 4 and T. 4) and land locomotives having smooth soled tyres not less than 5 in. wide on steering wheels and driving wheels having 12 in. wide tyres either smooth soled or with diagonal crossbars are excepted (Reg. 30 and T. 27).

Warning instrument or horn is not necessary on a locomotive (Reg. 19 and T. 18).

Weight. The unladen weight of a heavy tracklaying locomotive shall not exceed 15* tons but if soft tyres and resilient material it may be 17½ tons (T. 26) and the laden weight shall not exceed the unladen weight by more than 3 tons (T. 45).

Not more than three quarters of the total weight of a locomotive having not more than 4 wheels and registered before 1st June, 1955, shall be transmitted to the road by any two wheels (Reg. 29).

The laden weight of a locomotive shall not exceed 20½ tons but more is allowable if proper springs, soft tyres and more wheels (Reg. 65). The total weight on a road by any 2 wheels in line transversely shall not exceed 11 tons but this does not apply to a road roller or to a vehicle with not more than 4 wheels registered before 1st June, 1955 (Reg. 65).

The total weight of all its trailers laden or unladen whether wheeled or tracklaying, shall not exceed 40 tons (Reg. 66 and I. 46).

Width shall not exceed 9 ft. (Reg. 28 and T. 25).

Markings. The owner shall cause the following to be plainly marked on some conspicuous place on the left or near side of

(1) A locomotive the unladen weight (Reg. 59 and T. 40).

(2) A motor tractor (other than a land tractor exempted by Reg. 4A and T. 4A) the unladen weight (Reg. 59 and T. 40).

(3) A heavy motor car the unladen weight. This does not apply to a vehicle not registered under the Roads Act, 1920 or the Vehicles (Excise) Act, 1949 (Reg. 59 and T. 40).

See

"Mechanically propelled Vehicles," Chap. 25.

(4) A wheeled trailer fitted with overrun brakes the

unladen weight or in the case of a trailer with permanent plant or apparatus: the total weight (Reg. 62).

Mascots. A motor vehicle first registered on or after 1 Oct., 1937, shall not carry a mascot in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is not liable to cause injury to such person through any rejection thereon (Reg. 103 and T. 76).

Meat Vans. When a motor tractor draws a closed wheeled between docks and railway stations and wholesale markets it need not have an additional attendant (Reg. 105).

Mirror. Every motor vehicle (when used on a highway, Reg. 4), shall have a reflecting mirror, so made and fitted, either intern

aware of traffic to the rear. Similarly passenger vehicles adapted for more than 7 passengers, goods vehicles and dual purpose vehicles must have at least 2 such mirrors, both external or one internal and one external (one external mirror must be on the

to become aware of traffic to the rear and on both sides rearwards (1957 Regs.). None of the foregoing provisions apply to a motor vehicle drawing a trailer if a person is on the trailer and has an uninterrupted view to the rear and efficient means of communicating to the driver the effect of signals given by drivers in the rear, nor does it apply to land locomotives and land tractors which comply with the conditions prescribed by Reg. 4A and T. 4 A, nor to works trucks if a clear view to the rear nor

with or without a sidecar attached (Reg. 16 and T. 15), nor to road rollers (Reg. 4 and T. 4).

carriage," and the unladen weight of which does not exceed 2i tons, or 3 tons if made solely to carry not more than seven passengers (s. 253, R.T. Act, 1960). "Motor car " also includes a motor vehicle constructed or adapted for the conveyance of goods or burden of any description:

(a) which carries a container for gas fuel for the propulsion of the vehicle whose weight does not exceed 3J tons.

(6) which does not carry such container, etc., the weight of the vehicle not exceeding 3 tons (R.T. Act, 1960, s. 253).

than two wheels on the highway a person additional to the driver need not be carried to attend it (Reg. 105).

Brakes. It shall have one or more efficient braking systems, in either case with two means of operation when on a highway (see Reg. 44 and T. 29). See " Brakes."

Drivers' hours of duty (goods). See R.T. Act, 1960, s. 73, Chap. 24.

registered before 1 Oct., 1938. The overhang may be increased by up to 9 ins. for vehicles not exceeding 20 feet long, and up to

15 ins. for longer vehicles, but in any case it must not exceed regulation does not apply to a car first registered on or before ambulances and works trucks (Reg. 43).

Trailer. One may be drawn on the highway (s. 69). See "Trailers."

Tyres. When on a highway every motor car of unladen weight exceeding 1 ton shall have pneumatic tyres. Motor cars first registered on or before 2 Jan., 1933, works trucks, street cleansers and refuse vehicles if the unladen weight exceeds one ton should have pneumatic, soft or elastic tyres (Reg. 45 and T. 32).

Weights. The maximum weights allowable in the case of a motor car on the road are 9 tons on 2 transverse wheels, 14 wheels (Reg. 68).

See T. 48 as regards a tracklaying motor vehicle which is allowed a maximum weight of 22 tons, but if gas propelled 23 tons is allowable.

adequate protection, but this does not apply to the rear wheels of the motor vehicle part of an articulated vehicle for carriage of completion nor to a works truck (Reg. 46 and T. 33).

Width shall not exceed 7 ft. 6 in., nor 8 ft. 2½ ins. in the case of a

Motor Cycle. Means a motor vehicle, with less than four wheels and not exceeding 8 cwt. weight unladen, which is not an "invalid carriage" (s. 253, R.T. Act, 1960). For the purposes of s. 102 R.T. Act, 1960 (as amended by the Road Traffic Act

(Variation of Weight) Regs. 1961). It must be a wheeled vehicle with or without sidecar (Reg. 16), or springs (Reg. 9). It shall have wings or mudguards except in the case of a works truck (Reg. 49).

Attendant extra to driver for a trailer is not necessary where

Services (Reg. 105).

Brakes shall be on one or more efficient systems, in either case with two means of operation (Reg. 47), and "solo" and "combination" motor cycles need not have parking brakes (Reg. 10).

CONSTRUCTION AND USE REGULATIONS

547

Sidecar wheel shall not be wholly outside the length extremities of the motor cycle (Reg. 95). See "Sidecar."

Trailer over 5 cwt. weight unladen or over 5 ft. wide shall without sidecar shall not draw a trailer except when towing a broken-down motor cycle in consequence of the breakdown (Reg. 96).

Tyres shall be pneumatic but works trucks and pedestrian-controlled vehicles may have soft or elastic tyres (Reg. 48).

If any person in addition to the driver is carried astride on a two wheeled motor cycle (whether it has a sidecar or not) suitable supports or rests for the feet of such passenger must be available

Motor Tractor. Means a motor vehicle not constructed itself to carry a load and of weight unladen not exceeding 7½ tons

Attendants. When it draws a trailer on the highway an attendant additional to driver shall be carried (s. 17), except when it draws a road repair or cleansing machine (Reg. 105 and T. 78), or a meat trailer, a street cleanser or a refuse collector or a trailer with brakes applicable by the driver of the drawing

Brakes. It shall have one or more efficient braking systems, in either case with two means of operation (Reg. 35 and T. 29). The reversible engine of a steam tractor will count as one system and one braking system will be sufficient for a non-steam land tractor or road roller (Reg. 35). See "Brakes."

Markings. When on a highway the owner shall have the unladen weight marked on the left side (Reg. 59 and T. 40).

Springs are necessary on the highway, but it need not have them if the tyres are pneumatic and the unladen weight does not exceed 4 tons, or in the case of a tracklayer if there is resilient material between the rims of the rollers and the road surface to support the weight. Also it does not need springs if it was registered on or before 1 Jan., 1932, or if a land tractor for hauling timber or a mobile crane or a works truck (with resilient material in the case of a tracklayer) or a works trailer (Reg. 9 and T. 7) or a wheeled shunter not exceeding 4 tons weight unladen or a vehicle

does not exceed 4 tons, tyres are pneumatic and speed does not exceed 20 m.p.h. or a pedestrian-controlled vehicle with pneumatic tyres on all wheels (Reg. 9).

Trailer. It may draw on the highway one laden trailer or two unladen trailers (s. 69).

Tyres, when on the highway, shall be pneumatic, soft or elastic, land tractors with prescribed smooth soled or diagonal crossbar tyres excepted (Reg. 36 and T. 31), also road rollers (Reg. 4 and T. 4).

Weight. The total weight of the tractor and its trailer whether wheeled or tracklaying on a highway shall not exceed 22 tons but in some cases may be up to 32 tons (Reg. 70 and T. 47). See "Weight."

Width shall not exceed 7 ft. 6 in. (Reg. 33 and T. 30).

Noise. No motor vehicle shall be used on a road in such manner as to cause any excessive noise which could have been avoided by the exercise of reasonable care on the part of the driver (Reg. 82 and T. 60).

No person shall use or cause or permit to be used on a road any motor vehicle or trailer which causes any excessive noise either directly or indirectly as a result of :

(a) any defect (including any defect in design or construction), lack of repair, or faulty adjustment in the vehicle or trailer or any part or accessory thereof, or

(b) faulty packing or adjustment of the load.

However, it will be a good defence to proceedings under this Regulation to prove that the noise was due to some temporary or accidental cause and could not have been prevented by due diligence and care on the part of the owner or driver.

Also, if the driver or person in charge who is not the owner is prosecuted under this Regulation, it will be a good defence to prove that the noise arose through a defect in design or construction, or through the negligence or fault of some other person whose duty was to keep the vehicle in proper condition or to properly pack the load, and could not have been prevented by reasonable diligence and care on the part of such driver or person in charge (Reg. 81 and T. 59).

The driver shall, when the vehicle is stationary otherwise than through enforced stoppage due to traffic necessities, stop the action of the machinery of the vehicle, so far as may be necessary for the prevention of noise. However, this does not apply so as to prevent the working of the machinery when it is necessary to do so on account of any derangement of it, or when its working is required for some ancillary purpose nor does it apply to a gas-propelled vehicle (Reg. 83 and T. 61). See also "Silencer" and "Horn, etc."

Obstruction. No person in charge of a motor vehicle or trailer shall cause or permit the motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction thereof (Reg. 89 and T. 67). The highway is not a parking place unless specially designated as such. The use of a highway must be reasonable.

CONSTRUCTION AND USE REGULATIONS

549

During the hours of darkness (see Chapter 24) no person shall, except with the permission of a police officer in uniform, cause or permit any motor vehicle to stand on any road otherwise than with the left or near side of the vehicle as close as may be to the edge of the carriageway. This shall not apply to:

(a) Any motor vehicle used for fire brigade, ambulance, police or defence purposes if compliance would hinder the use of the vehicle for such purpose ;

(6) any motor vehicle standing on a part of a road specially set aside for parking or for hackney carriages or for public service vehicles or for taking up or setting down passengers if compliance would conflict with the " law " allowing such standing ;

(c) any motor vehicle waiting to set down or pick up passengers under Regulations or directions by the chief officer of police ;

(d) any motor vehicle in a " one way " road ;

(e) any motor vehicle used in connection with building operations, repair of another vehicle, removal of obstruction, maintenance of any road or laying, etc., of a sewer, pipe, wire, cable, post, etc., for gas, water or electricity, if compliance would hinder such use of the vehicle (Reg. 90 and T. 68).

Overhang. This is the distance from the rear of the vehicle excluding hood when down, post office box up to 12 inches, turn - table fire escape ladder and luggage carrier fitted to a seven - passenger motor car, to the non -steering axle of a 4 -wheeler or to about the middle of a line joining the rear and middle axle of a 6-wheeler (see Reg. 3). It shall not exceed 6 ft. in a motor tractor or a land tractor which is a heavy motor car or a motor car (Reg. 34) nor 50 per cent, of the wheelbase in a heavy motor car with some exceptions given in the regulation (Reg. 38) and in a motor car with some exceptions, including ambulances, works trucks and refuse and street cleansing vehicles (Reg. 43). For side overhang see " Width ".

Pedestrian Controlled Vehicle. This is a motor vehicle not exceeding 8 cwt. unladen which is controlled by a pedestrian and not constructed or adapted or used for the carriage of a driver or passenger (Reg. 3). The following requirements do not apply to such vehicles - springs if all wheels have pneumatic tyres (Reg. 9) ; minimum diameter of wheels (Reg. 13) ; mirror (Reg. 16) ; certain requirements as to brakes if the vehicle does not exceed 8 cwt. unladen (Reg. 44) ; pneumatic tyres if all tyres are soft or elastic (Reg. 48) warning instrument (Reg. 19).

For registration and licensing purposes such a vehicle means a mechanically propelled vehicle with 3 or more wheels which does not exceed 8 cwt. unladen and which is neither constructed nor

adapted for use nor used for the carriage of a driver or passenger (Road Vehicles (Reg. and Lie.) Regs 1955, Reg. 1).

Penalty. If any person uses or causes or permits to be used on any road a motor vehicle or trailer in contravention of or fails to comply with the Regulations governing the use on roads of motor of both Regulations, he commits an offence liable to fine of £20 (Reg. 104 and T. 77).

Police Vehicles. They can carry gongs, bells and sirens

Public Service Vehicles. Reg. 68 deals with the laden weight of a heavy motor car and of a motor car, but it does not apply to public service vehicles. Such vehicles, if heavy motor cars or motor cars are limited to 9 tons weight on 2 transverse wheels, and to a total of 14 tons on all the wheels, when fully equipped for service with weights for the full number of seated passengers, 140 lbs. for each person. If registered after 31st Dec., 1954, and more than 8 standing passengers may be carried another 140 lbs. for each such passenger in excess of 8 must be included (Reg. 67),

A public service vehicle or its chassis which is a heavy motor car may be 8 ft. 2½ ins. wide (Reg. 37) and those which are motor cars or their chassis may also be 8 ft. 2½ ins. wide (Reg. 42). Overall length of a public service vehicle shall not exceed 38 ft. (Reg. 6). Overall height shall not exceed 15 feet (ReR. 7).

A public service vehicle shall not draw a trailer but it may draw another empty public service vehicle in an emergency or a gas trailer for its propulsion (Reg. 100).

Quitting Vehicle. No person shall cause or permit to be on a road any motor vehicle which is not attended by a person duly licensed to drive it unless the engine is stopped and if it has a brake the brake is set so as to effectually prevent its movement.

The stopping of the engine shall not apply to a fire brigade vehicle fighting fire or to a gas propelled vehicle (Reg. 91 and T. 69).

Railway Vehicles. Wheeled motor tractors not exceeding 4 tons weight unladen used for railway shunting and used on a

Refuse Vehicles. These are vehicles and trailers designed and used for the collection or disposal of refuse or offents of gullies or cesspools. An attendant for such a wheeled trailer drawn by a motor tractor need not be carried (Reg. 105). Pneumatic tyres are not necessary on such wheeled trailers (Reg. 57), or on such vehicles, wheeled or tracklaying (Reg. 40 and T. 32), but both such cars shall have pneumatic soft or elastic tyres (Reg. 45 and T. 32).

CONSTRUCTION AND USE REGULATIONS

551

There is no limit to the size of their wheels (Reg. 13 and T. 12), nor to the overhang if they are heavy motor cars (Reg. 38).

8 cwt. shall be capable of being so worked that it may travel forwards or backwards (Reg. 14 and T. 13).

Except in the case of a road roller or other road plant at work no person shall cause a motor vehicle to travel backwards for a greater distance or time than may be requisite for the safety or reasonable convenience of the occupants of the vehicle or of other traffic on the road (Reg. 87 and T. 65).

Road Cleansing Vehicles. These are vehicles and trailers designed and used for street cleansing. If a motor tractor draws any machine or implement for this purpose an attendant for the trailer need not be carried (Reg. 105 and T. 78). Pneumatic tyres need not be on the wheels of such wheeled trailers (Reg. 57), or of such heavy motor cars, wheeled or tracklaying (Reg. 40 and T. 32), or of such motor cars over 1 ton weight unladen, wheeled or tracklaying (Reg. 45 and T. 32), but both types of motor cars must have, at least soft or elastic tyres. There is no limit to the size of their wheels (Reg. 13 and T. 12) nor to overhang (Regs. 38 and 43). If such a trailer does not carry any load other than its necessary gear and equipment it need not have a braking system (Reg. 55 and T. 36).

A vehicle constructed or adapted for use and used solely for road sweeping may be up to 8 ft. wide (Reg. 37).

Road Repair Vehicles. When a motor tractor draws any machine or implement used for the maintenance or repair of roads an additional attendant need not be carried (Reg. 105 and T. 78). A heavy motor car exceeding 4 tons weight unladen mainly used in operations on rough ground or unmade roads need not have pneumatic tyres, but should have soft or elastic tyres (Reg. 40 and T. 32), and if it has pneumatic tyres and does

weight it need not have springs (Reg. 9).

Road plant at work may travel backwards (Reg. 87 and T. 65).

Road Rollers. These vehicles must be registered and carry

1955, Reg. 38). The requirements as to the variation of wheel load and the distribution of weight (Regs. 8 and 29 and T. 6),

warning instrument or horn (Reg. 19 and T. 18), and soft or elastic tyres (Regs. 30 and 36, T. 27 and 31), do not apply.

will be sufficient if a wheeled vehicle not propelled by steam^{tion} (Reg. 35) or a tracklayer (T. 29).

The prohibition against travelling backwards for an unnecessary distance does not apply if engaged on road work (Reg. 87 and T. 65). Attendants are not necessary (Reg. 105 and s. 72, R.T. Act, 1960). Its water cart need not have a trailer plate (Reg. 64), its water trailer need not have pneumatic soft, or elastic tyres (Regs. 56 and 57).

Roads Experiments. Vehicles used under s. 249, Highways Act, 1959, for experiments or trials on roads, are not subject to the Regulations, see " Special Types ", nor are they subject to the ordinary speed limits (R.T. Act, 1960, Schedule I).

Salvage Corps. Such wheeled vehicles may carry gongs,

Showmen's Trailers. The overall width of a wheeled trailer in use before 15 Jan., 1931, by a travelling showman in connection with his business may be 8 ft. 9 in. (Reg. 54).

Sidecar. A sidecar shall be so attached to its motor cycle that the wheel thereof is not wholly outside planes perpendicular to the longitudinal axis of the motor cycle passing through the extreme projecting points in the front and in the rear of the motor cycle (Reg. 95). If so attached, and if it complies with the prescribed conditions (e.g. tyres, wings, wheels, glass), the sidecar is regarded as forming part of the motor cycle, and not as being a trailer (Road Traffic Act, 1960, s. 253).

If a sidecar does not so comply it is a trailer, and for drawing of trailers by motor cycles, see " Trailers."

Signalling by Sound. See " Horn, etc. "

Silencer. Every vehicle propelled by an internal combustion

contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine (Reg. 20 and T. 19).

No person shall use or cause or permit to be used on a road any such vehicle so that the exhaust gases pass into the air without first passing through the silencer, which shall be kept in efficient working order and shall not be altered so that the noise

may be tested (Reg. 106 and T. 79). See " Testing " ; " Noise."

Smokes, Ashes, etc. Every motor vehicle shall be so constructed that no avoidable smoke or visible vapour is emitted therefrom (Reg. 21 and T. 20).

If solid fuel is used, there shall be an efficient appliance to prevent the emission of sparks or grit, and also a tray or shield to prevent ashes and cinders from falling on the road (Reg. 22 and T. 21).

CONSTRUCTION AND USE REGULATIONS

553

motor vehicle from which any smoke, visible vapour, grit, sparks, causes or is likely to cause damage to any property or injury to

son
as aforesaid (Regs. 79 and T. 58, as amended by 1957 Regs.).

Where a motor vehicle (other than a works truck) propelled by a compression ignition engine is fitted with a device for starting the engine by supplying it with excess fuel, the device, and any

readily be used by any person on the vehicle. This regulation does not apply if the device is so designed that it cannot cause the engine to be supplied with excess fuel after the engine has been started (Reg. 21 A). Such a device must be maintained and it must not be used while the vehicle is in motion on a road (Reg. 79A).

Speed Indicator. Every motor vehicle registered on or after

express carriage except land tractors which comply with the conditions prescribed in Reg. 4A and T. 4A. invalid carriages, works trucks, motor cycles with engine capacity not exceeding

12 m.p.h. and vehicles incapable of exceeding 12 m.p.h., shall be at all times readily to indicate to the driver within a margin of speed greater than allowed by law for the vehicle or greater than 30 m.p.h. if there is no speed limit for the vehicle. If the drawing of

This instrument (speedometer) shall at all material times be kept in good working order and free from any obstruction which might prevent its being easily read, seen (or heard). It will be a defence to prove any defect occurred during the journey in question or that at the time steps had already been taken to remedy the defect (Reg. 74 and T. 52).

(when used on a highway, Reg. 4) shall have suitable and sufficient and T. 7).

In the case of tracklayers there shall be resilient material between the rims of the weight-carrying rollers and the road surface so that the weight of the vehicle other than that borne by any wheels is supported by the resilient material. -In addition a heavy motor car and a motor car and every trailer drawn thereby shall have springs between the frame of the vehicle and the weight-carrying rollers. (T. 7).

Above does not apply to road rollers (Reg. 4 and T. 4), vehicles not exceeding 4 tons unladen weight which have pneumatic tyres, certain land vehicles, agricultural trailers and trailers used controlled vehicles having pneumatic tyres, mobile cranes, broken-

resilient material as described above and vehicles not exceeding 4 tons weight unladen mainly used on rough ground or unmade roads if all wheels have pneumatic tyres and speed does not exceed 20 m.p.h. (Reg. 9 and T. 7).

Steam Vehicles. A wheeled steam locomotive with engine capable of being reversed, and first registered on or before 2 Jan., 1933, need not have brakes (Reg. 31). If the engine is capable of being reversed, it will be deemed an efficient braking system for a wheeled steam tractor (Reg. 35) and for a wheeled steam

(Regs. 39 and 44). The total weight on the road of a wheeled vehicle may be 14 tons (4-wheeler) and 20 tons (6-wheeler). Also

9 tons (see Reg. 68). No smoke, visible vapour, sparks, grit, ashes, cinders or oily substance shall be emitted on a road (Reg. 79).

The driver of a steam vehicle other than a motor car shall stop the vehicle whenever it is necessary to attend to the furnace except where two persons are carried to drive or attend the

Steering Gear. All steering gear when the vehicle is on the road shall be maintained in good and efficient working order and properly adjusted (Reg. 76 and T. 54). It may be tested (Reg. 106 and T. 79).

Stoplight. This is a device fitted to a motor vehicle or to a intention of the driver to stop or slow down (Reg. 3 and T. 3).

1936 or on a trailer shall be at the rear of the vehicle on the right or on the centre, but there may be another one on the left - both to operate at the same time. Every such light shall be red or amber, diffused through frosted glass or other adequate means and giving a steady light (Reg. 26, as amended by 1957 Regs., and T. 23).

Straddle Carrier. Means a motor vehicle constructed to straddle and lift its load for transportation (Reg. 3). It is not a works truck (Reg. 3) and must not draw a trailer (Reg. 98). See "Special Types" later.

CONSTRUCTION AND USE REGULATIONS

555

Television Sets. Not to be used in a motor vehicle if the screen is visible to the driver or if it might distract the driver of any other vehicle on the road. (Reg. 103A of 1957).

Testing and Inspection. Any brakes, silencers or steering gear fitted to a motor vehicle or trailer may be inspected and tested by any constable in uniform or by any certifying officer

Police of the Metropolis to examine and inspect public carriages, who produces his authority if required, either on a road or with consent of owner of premises on premises (Reg. 106 and T. 79). (To prevent the constable from carrying out such test on a road would be an obstruction of the constable in the execution of his duty and he has power of arrest). However, examination on

or 72 hours by registered post) has been served on him, but this does not apply in case of examination within 48 hours of an accident causing injury or damage in which the vehicle was involved (Regs. 106 and T. 79).

Tow Rope. Where a motor vehicle draws a trailer by means of a rope or chain, or when one trailer draws another by such

a motor vehicle draws a trailer or trailers, if the distance between the vehicles exceeds 5 feet then the connections must be clearly visible from either side (Reg. 94). When a track laying motor vehicle tows another vehicle the distance between the two shall not exceed 15 feet, and the tow rope or chain shall be rendered easily distinguishable by other users of the road (T. 72). See Chap. 24.

Tower Wagon. If it is a heavy motor car (over 2J tons) it need not have pneumatic tyres, but tyres shall at least be soft or elastic (Reg. 40 and T. 32).

built as part of the vehicle any expanding or extensible contrivance designed for facilitating the erection, inspection, repair or maintenance of overhead structures or equipment, and (b) which -
ance of any load, except such a contrivance and articles used in connection therewith (Vehicles (Excise) Act, 1962, Sched. 4).

Towing Implement. Means any device on wheels designed device in such a manner that part of the other vehicle rests on it, so that some but not all of its wheels are raised off the ground (Reg. 3).

See Reg. 4 (9) and 4 (10) under "Exemptions".

An attendant additional to the driver is not necessary when a towing implement is being drawn by a motor vehicle if it is not attached to any vehicle except the one drawing it (Reg. 105).

Tracklaying Vehicle. A tracklaying (caterpillar) vehicle is one so made that the weight goes on the road either by means of continuous tracks or by a combination of wheels and continuous tracks so that the weight transmitted to the road by the tracks is not less than half the weight of the vehicle (Reg. 3 and T. 3).

Those parts of the track which come into contact with the road surface shall be flat and have a minimum width of half an inch. The total area of each track actually in contact with the road surface at any one time shall be not less than 36 sq. in. in respect of each ton of the total weight on the road surface by means of the tracks, or in the case of a land locomotive or land tractor first registered before 1 Jan., 1936, in respect of each ton of the unladen weight of the vehicle (T. 9).

All the tracks, while on a road, shall be kept in such condition as to be free from any defect which might in any way cause damage to the surface of the road or danger to persons on the

and be properly adjusted (T. 56).

The brakes shall act on the tracks (T. 28 and 29) and on the tracks of a trailer (T. 36). See " Brakes ".

Trailers. The R.T. Act, 1960, s. 253 defines a " trailer " as a vehicle drawn by a motor vehicle. A sidecar attached to a motor cycle shall be regarded as part of the vehicle, and not as being a trailer.

Every trailer shall be either a wheeled vehicle or a tracklaying

A gas trailer is a trailer used solely for gas equipment for propelling the drawing vehicle (Reg. 3 and T. 3).

Attendants.- If one or more trailers are drawn on a highway the general rule is that additional help to the driver shall be provided. See " Attendants " for the exceptions.

efficient braking system (Reg. 55 and T. 36). For description and exceptions, see " Brakes." If a trailer is drawn by a locomotive one of the persons driving or attending shall be in a position readily to operate the brakes of the trailer, unless a person other than the driver is in a position and able to apply its brakes. If a trailer is drawn by any other class of motor vehicle the driver shall be in a position readily to operate the brakes on the trailer unless another person is in a position efficiently to apply the brakes of the trailer. However, above does not apply where the trailer has brakes which act on its overrun (Reg. 92 and T. 70) or where it is a broken down vehicle unable to steer (Reg. 92).

CONSTRUCTION AND USE REGULATIONS

557

No person in charge of a trailer or its drawing vehicle shall cause or permit such trailer to stand detached from the vehicle unless at least one of its wheels or the tracks are prevented from moving by a brake or chain (Reg. 93 and T. 71).

Length. The maximum length of a trailer (on a highway, Reg. 4) should not exceed 22 ft. (Reg. S3 and T. 34), but for exceptions, see "Length."

Number. The number of trailers drawn by a motor vehicle on a highway shall not exceed

(1) three in the case of a heavy or light locomotive ;

(2) one if laden, two if unladen in the case of a motor tractor ;

(3) one in the case of a heavy motor car or motor car but if such a vehicle with unladen trailer superimposed breaks down it may be towed by another motor vehicle (Road Traffic Act, 1960, s. 69). However a heavy motor car or a motor car may draw two trailer pumps used for fire brigade purposes, neither weighing more than 25 cwt. (Road Vehicles (Fire Brigade Trailer Pumps) Order, 1939).

But in this connection the term " trailer " does not include a agricultural vehicle not made to carry a load.

Any person causing or permitting a breach of this section commits an offence (R.T. Act, 1960, s. 69).

These restrictions on the number of trailers do not apply to vehicles in the service of the armed forces of the Crown (R.T. Act, 1960, s. 250).

permit it to stand on a road so as to cause any unnecessary obstruction (Reg. 89 and T. 67).

of passengers for hire or reward (Reg. 99 and T. 74). An invalid carriage and a straddle carrier shall not draw a trailer

unladen or 5 ft. in width (Reg. 97).

A public service vehicle must not draw a trailer but may draw a gas trailer. An empty public service vehicle may tow another empty public service vehicle in case of emergency (Reg. 100). No trailer other than a gas trailer may be drawn by a motor vehicle which exceeds 26 ft. in length (T. 73).

A motor cycle with not more than two wheels and without a sidecar shall not draw a trailer, but it may tow a broken-down motor cycle in consequence of the breakdown (Reg. 96).

must not exceed 85 feet. The length includes any attachments.

However, provided 48 hours notice has been given to the police, ant, in addition to the driver, must be employed (Keg. 100A).

Appendix I.

exceptions, see " Trailer Plate ".

exceptions, see " Tyres ".

Weight. The total laden weight of a tracklaying trailer shall not exceed 13 tons (T. 49).

The total weight transmitted to the road by any two transverse wheels of a wheeled trailer shall not exceed 9 tons. The total laden weight of a trailer with less than 6 wheels and not forming part of an articulated vehicle shall not exceed 14 tons (Reg. 69).

The unladen weight of a wheeled trailer with overrun brakes and the total weight of a trailer made to carry plant or other special appliance or apparatus which is a permanent or essentially permanent fixture shall be plainly marked on its left side (Reg. 62).

The maximum total weight of all the trailers, laden or unladen, wheeled or tracklaying, drawn by a locomotive (on a highway, Reg. 4) shall not exceed 40 tons (Reg. 66 and T. 46).

The total laden weight of a wheeled or tracklaying trailer together with that of any motor tractor, heavy motor car or

or 23 tons if gas-propelled tracklayer (T. 47). However, it may be 24 tons in the case of a trailer drawn by a motor tractor or heavy motor car or motor car, if both are wheeled and it may be up to 32 tons if with special brakes and warning device for them (Reg. 70).

Width. The maximum width should not exceed 7J feet (Reg. 54 and T. 35), but for exceptions, see " Width ".

Wings. These are necessary (Reg. 58 and T. 39), but for exceptions, see " Wings."

For other provisions affecting trailers, see " Dangerous Vehicle," " Lavatory," " Noise," " Obstruction," " Springs," " Tow-rope," and " Wheels ".

Trailer Plate. The back of the rearmost trailer drawn by a motor vehicle on a road shall display a trailer plate. This is a

surrounding a smaller triangle in the centre. It shall be clean and unobscured, vertical, in the centre or off-side, and not more than 4 ft. from the ground. This will not apply to articulated vehicles,

CONSTRUCTION AND USE REGULATIONS
559

by motor cars that are either passenger vehicles or dual purpose vehicles made for not more than seven passengers, trailers for carrying round timber, land implements (except living vans), land implement conveyors, agricultural trailers and road rollers' water carts (Reg. 64 and T. 44 as amended by 1957 Regs.).

Trees and Round Timber. When these are being hauled 9 and T. 7 (springs), 58 and T. 39 (wings), and 64 and T. 44 (trailer plate).

vehicle used for carrying round timber need not have wings (Regs. 41 and 33).

Tyres. A pneumatic tyre is a collapsible continuous air-filled conditions :

(1) A continuous closed chamber containing air at a pressure substantially exceeding atmospheric pressure when normally used but not subject to a load.

(2) Capable of being inflated and deflated without removal from the wheel or vehicle.

(3) When deflated and subject to a normal load the sides of the tyre collapse (Reg. 3 and T. 3).

A soft or elastic tyre is one of soft or elastic material which is continuous or in close-fitting sections round the circumference of the wheel and is of such thickness and design as to minimise so far as is possible vibration when the vehicle is in motion and is so constructed as to be free from any defect which might cause damage to the surface of a road (Reg. 3 and T. 3).

Locomotives should have (when used on a highway, Reg. 4) pneumatic, soft or elastic tyres on their wheels, except in the case of land locomotives which have smooth-soled tyres not less than

case of a wheeled vehicle tyres (smooth soled or with diagonal 30). This does not apply to road rollers (Reg. 4).

Motor Tractors (when used on a highway, Reg. 4) should have pneumatic, soft or elastic tyres on their wheels. This does not

tyres not less than 2J in. wide on their steering wheels (Reg. 36 and T. 31) nor to land tractors with every driving wheel 6 in. wide if weight unladen exceeds 3 tons or 3 in. wide if weight unladen does not exceed 3 tons provided the tyres are either smooth-soled or have diagonal crossbars not more than 3 in. apart (Reg. 36). This does not apply to road rollers (Reg. 4 and T. 4). See also Land Tractor and Reg. 4A and T. 4A.

Heavy Motor Cars (when used on highways. Reg. 4) should have pneumatic tyres on their wheels, but this does not apply to heavy motor cars over 4 tons weight unladen mainly used on

used for street cleansing or refuse disposal ; or to turntable fire

the vehicle, has soft or elastic tyres (Reg. 40 and T. 32).

This also does not apply to a heavy motor car first registered on or before 2 Jan., 1933, if it has soft or elastic tyres (Reg. 40 and T. 32). If a land tractor is a heavy motor car it will need similar tyres to those it must have if it were a motor tractor (Reg.

Motor Cars (when used on a highway, Reg. 4), if unladen weight exceeds one ton, should have pneumatic tyres on their wheels.

exceeding one ton which are works trucks, street cleansers, refuse collectors or were registered on or before 2 Jan. 1933 if they have soft or elastic tyres (Reg. 45 and T. 32). If a land tractor is a motor car it will need similar tyres to those it would have if it were a motor tractor (Reg. 4A and T. 4A).

have soft or elastic tyres (Reg. 48).

pneumatic tyres or soft or elastic tyres on their wheels (Reg. 56 and T. 37). However, this does not apply :

(1) to any land implement or agricultural trailer (Reg. 56 and T. 37) ;

(2) to any wheeled trailer made before 15 Jan., 1931, and specially designed for the conveyance of horses and cattle and used for that purpose or for agricultural purposes ;

(3) to any wheeled trailer made before 15 Jan., 1931, and specially designed and used for the conveyance of furniture ;

(4) to any trailer for the purpose of carrying water for a road roller used for roads (Reg. 56).

Every wheel of a trailer drawn by a heavy motor car or motor car and constructed after 1 Jan., 1933, shall (if used on a highway, Reg. 4) have a pneumatic tyre (Reg. 57 and T. 38). However, this does not apply to works trailers or to trailers for street cleansing or refuse disposal (Reg. 57), or to trailers drawn by heavy motor cars which are exempt from having pneumatic tyres (T. 38)

land implement or an agricultural trailer drawn by a land tractor ; or to a broken-down vehicle drawn by a motor vehicle as a result of the breakdown (Reg. 57).

General. All tyres of a motor vehicle or trailer, while it is used on a road, shall be kept in such condition as to be free from

CONSTRUCTION AND USE REGULATIONS

531

any defect which might cause damage to the road or danger to persons on the vehicle or using the road (Reg. 78 and T. 57).

Unfinished Vehicles. Such motor vehicles or heavy motor vehicles proceeding to a works for completion need not have wings (Regs. 41 and 46).

A trailer which is a trolley vehicle in course of construction or delivery is not subject to the 22 ft. length limit for trailers (Reg. 53). Unfinished trailers proceeding to a works for completion need not have wings (Reg. 58 and T. 39).

View. Every motor vehicle shall be so constructed that the driver, while controlling it, can at all times have a full view of the

have proper control over the vehicle or that he cannot retain a

Visiting Forces. A vehicle in the service of a visiting force means a vehicle belonging to the service authorities of such a force and used for the purposes of such a force and any other vehicle when used as aforesaid by a person subject to the orders of any members of such a force (Reg. 3 and T. 3). Regs. 6 to 9

wheel diameter), 15 to 20 (view, mirror, glass, wiper, warning instrument, silencer), 23 to 72 and 102 (width of loads) do not apply to such vehicles (Reg. 4).

do not apply to such vehicles (T. 4).

Warning Instrument. See "Horn, etc."

Weight. Locomotive. The unladen weight of a tracklayer shall not exceed 15½ tons but may be 17½ tons if any wheels have soft or elastic tyres and resilient material is between the rims of the weight-carrying rollers and the road surface so as to support

or windlass gear does not count in the weight of a cable ploughing engine (T. 26). The total laden weight of a tracklayer on a road shall not exceed the permitted unladen weight by more than

The laden weight of a wheeled locomotive on a road shall not

roller or to a vehicle with not more than 4 wheels registered before 1st June, 1955 (Reg. 65). The total weight of all its trailers shall

Except in the case of a road roller (Reg. 4), not more than three-fourths of the total weight of a wheeled locomotive having be transmitted to the road by any two wheels (Reg. 29).

(R.T. Act, 1960, s. 253). The total laden weight of a wheeled or

may be 24 tons and may be up to 32 tons if the trailer has power assisted brakes operable by the driver with warning to driver device. This Reg. does not apply to a trailer forming part of an articulated vehicle (Reg. 70).

Heavy Motor Car and Motor Car. The total weight transmitted by a wheeled heavy motor car or motor car not a public

exceed :

- 14 tons if not more than 4 wheels.
- 20 tons if over 4 but not more than 6 wheels.
- 24 tons if more than 6 wheels.

Weight on road by one wheel where no other wheel is in the same line transversely shall not exceed 4) tons, weight on two transverse wheels shall not exceed 9 tons (Reg. 68)

The weight shall be so distributed that the weight on each 2 feet of the road under the length of the vehicle does not exceed 11 tons or 10 tons if a tracklayer (Reg. 72 and T. 50). The total laden weight on the highway of a trailer wheeled or tracklaying and its heavy motor car or motor car shall not exceed 22 tons

may be 24 tons and it may be 32 tons if special brakes with warning device for them (Reg. 70).

types of vehicles drawing, are given under " Trailers."

Public service vehicles which are heavy motor cars or motor cars are allowed up to 9 tons weight on 2 wheels, and the sum of the weights on all wheels shall not exceed 14 tons (Reg. 67 as amended

Other Motor Vehicles. The maximum unladen weights of motor cars, motor cycles and invalid carriages are given under

Wheels. The " wheel " of a motor vehicles or trailer means a road is in contact with the ground (Reg. 3 and T. 3). " Wheeled " means that the whole weight of the vehicle is transmitted to the road surface by means of wheels (Reg. 3).

CONSTRUCTION AND USE REGULATIONS

563

All the wheels of a motor vehicle or of a trailer which have not got pneumatic tyres (used on a highway, Reg. 4) shall have a rim diameter of not less than 670 mm. (26.38 inches). This does not apply to works trucks or works trailers ; pedestrian controlled vehicles : vehicles for street cleansing or refuse collection ; mobile cranes ; land implements and any broken down vehicle drawn by a motor vehicle as a result of the breakdown. It does not apply to a wheel fitted to a motor car first registered on or before 1 July, 1936, if the diameter inclusive of tyre is not less than 670 mm. Motor vehicles first registered on or before 2 Jan., 1933, and trailers made before 1 Jan., 1933, do not come under this regulation (Reg. 13).

A wheeled motor vehicle or trailer with more than 4 wheels and a trailer with more than 2 wheels which is part of an articulated vehicle and a tracklaying vehicle or trailer with more than 2 wheels shall be made so as to ensure that all wheels will remain in contact with the road and will not be subjected to abnormal variations of load, but this will not apply to any steerable wheel if the load on it does not exceed 2½ tons (Reg. 8 and T. 6). This does not apply to road rollers (Keg. 4 and T. 4).

between the centres of the wheel tracks is less than 18 in. (Reg. 3 and T. 3). This does not apply to a three wheeled land tractor fitted with a removable appliance, and does not carry any load (Reg. 4A).

Width. The maximum allowable widths are :

- 24 ft. for a motor tractor including a land tractor (Reg. 4A,
- 33 and T. 30), a heavy motor car (Reg. 37 and T. 30), a motor car (Reg. 42 and T. 30), and a trailer (Reg. 54 and T. 35).
- 7 ft. 2 in. for an invalid carriage (Reg. 50).

1932, and converted from use with solid tyres to use with pneumatic tyres, may be up to 8 ft. wide, and a heavy motor car if a public service vehicle or its chassis may be up to 8 ft. 2½ ins. wide and a road sweeper may be 8 ft. wide (Reg. 37 and T. 30), and a steam wheeled heavy motor car first registered before 1 Jan., 1939, may be 7 ft. 9 in. wide if the excess width of 3 in. is caused by the projection of the wheels or tyres and a heavy motor car 4 tons weight or more with pneumatic tyres on all wheels and which is a goods vehicle or part of an articulated

service vehicle or its chassis may be up to 8 ft. 2½ ins. wide, and a road sweeper may be 8 ft. wide (Reg. 42). A trailer may be up to

vehicle over 7½ ft. wide which is a locomotive or a heavy motor car which is a goods vehicle or an articulated vehicle weighing 4 tons or more and having pneumatic tyres on every wheel (Reg. 54).

A travelling showman's trailer in use before 15 Jan., 1931, may be up to 8 ft. 9 in. wide, and a trailer made before 1 Jan., 1933, and

tyre distortion due to weight of vehicle and if vehicle was registered before 2 Jan., 1939, a 4 -inch projection of a swivelling window to allow hand signals (Reg. 3 and T. 3), and the trailer width limits

down vehicle being towed in consequence of breakdown (Reg. 54 and T. 35).

No load shall be carried on a vehicle where the overall width of the vehicle and its load exceeds 14 feet (but See " Special

No load shall be carried on a motor vehicle or trailer if it projects more than one foot beyond the overall width or if the (a)
an indivisible load if the prescribed notice is given

load will pass (see " Special Types of Motor Vehicles " later) and
(6) the carriage of loose agricultural produce not baled or

Windscreen Wipers. An efficient automatic windscreen wiper shall be fitted to every motor vehicle which is so constructed that the driver cannot, by opening the windscreen or otherwise obtain an adequate view to the front without looking through the

road this wiper shall be kept in efficient working order and shall be properly adjusted (Reg. 76 and T. 54). See also " Glass."

Wings. Wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the wheels or tracks, shall be provided for motor cycles which are not works trucks (Reg. 49), invalid carriages (Reg. 52), heavy motor cars, and motor

Such fittings are necessary also for rear wheels of trailers unless adequate protection is afforded by the body (Reg. 58 and T. 39),

drawn by a vehicle restricted to 12 m.p.h. or less and unfinished trailers proceeding to a works for completion or any broken down vehicle drawn as a result of a breakdown (Reg. 58 and T. 39).

(not a straddle carrier) designed for use in private premises and used on a road for road works (1957 Regs.) or only in passing from

CONSTRUCTION AND USE REGULATIONS

565

one part of such premises to another or to other private premises

Vehicles (Reg. and Lie.) Regs., 1955, Reg. 1, for similar definition.

A works trailer is a trailer designed for similar use and used on a road for similar purposes (Reg. 3 and T. 3).

The following regulations do not apply to works trucks

(diameter of wheels) : 16 and T. 15 (mirror if driver has view to the rear): 19 and T. 18 (warning instrument): 21A (excess fuel): 40 and T. 32 (tyres if soft or elastic): 46 (wings): 48 (tyres if soft or elastic): 49 (wings).

The following Regulations do not apply to works trailers
Regs. 9 (springs) : 13 (diameter of wheels) : 57 (tyres) : 105 (attendants if weight of works truck and trailer does not exceed 30 cwt.).

A works truck need have only one braking system with one

Special Types of Motor Vehicles. The R.T. Act, 1960, s. 64, allows the Minister of Transport to authorise the use of special types of motor vehicles on roads and he has made the Motor

do not comply in all respects with the requirements of the Construction and Use Regulations.

Part I: Nothing of this Order relating to speed shall authorise any speed in excess of any other speed limit imposed by any other enactment (Art. 4).

Part II deals with miscellaneous vehicles not fully complying with the Regulations and authorises their use on roads as follows :

Art. 5 : Tracklaying vehicles and tracklaying trailers used on

for shipment and not carrying burden for hire and reward, provided that the written consent of the highway authorities concerned is

Art. 6: Naval, Military, Air Force and Aviation vehicles (which are for combative or training purposes, guns, stores, tanks, searchlights aircraft, flying operations, drawing aircraft or constructed before 1 Jan., 1949. See Second Schedule).

drawing or launching lifeboats.

Art. 8 : Grasscutting and hedge trimming machines not used for carrying any person, not exceeding 8 cwt. unladen and not more than 7½ ft. wide except when actually engaged on their work.

purpose shall be treated as not being a motor vehicle (R.T. Act, 1960. s. 254).

Art. 9: Motor tractors for use as grass cutters or hedge trimmers. They must not exceed 7 ft. 6 ins. wide except when in operation.

Art. 10: Rotary ploughs such a specially constructed land locomotive must not exceed 11 ft. 6 in. wide ; weight unladen limit 26 tons; no trailer other than a living van or trailers carrying necessary equipment, etc. : if over 8 ft. wide and no trailer three persons to be in attendance inclusive of driver or drivers, one to proceed in front and one at the rear whenever necessary by reason of the width of the road or otherwise : and if over 8 ft. wide and drawing one or more trailers, 2 persons to drive or attend the vehicle and one person for each trailer, one of these attendants to follow on the road when necessary by reason of the width of the

on the road 4 days' notice should be given to the police and to the highway authorities concerned and the latter may postpone consent for good reason.

Art. 11: Vehicles for experiments or trials under s. 249, Highways Act, 1959.

Art. 12: Straddle carrier, provided it is used only for demonstration or on sale or for passing from premises to another premises in the immediate neighbourhood or for repair: speed not to exceed 12 m.p.h.: length of vehicle and load or of vehicle or its load not to exceed 30 ft. except with the consent (on 2 days' notice) of the police: width not to exceed 9J ft.

Art 13 : Reaper and thresher land tractors provided any trailer drawn is two wheeled used solely for necessary equipment ; width limit 14 ft. during July to Nov. and 10 ft. at any other time : one attendant necessary if width exceeds 8 ft. but not 11 ft. but 2 attendant. if over 11 ft. wide, one in front and one at rear to warn traffic if necessary : if over 9J ft. wide and it is to travel more than 5 miles, 24 hours' notice to be given to police who can prescribe route : if over 10 ft. wide speed limit is 5 m.p.h. but if under 10 ft. wide the speed limit is 10 m.p.h.

Art. 14 : Hay and straw balers (motor tractors) provided width does not exceed 8 ft. : overhang does not exceed 8 ft. : speed limit

Art. 15 : Excavations carriers viz. heavy motor car or trailer or articulated vehicle specially made for use in private premises for moving excavated material and fitted with tipping body or moving platform for discharging load. Provided that vehicle is used only for proceeding to and from private premises or between private premises and a port : no heavy motor car not part of an articulated vehicle shall draw a trailer: if a trailer is drawn by a motor vehicle no other trailer allowed : length of trailer not to exceed 28 ft. and length of articulated vehicle not to exceed 44 ft. speed limit 12 m.p.h. but if over 9J ft. wide speed limit is 8 m.p.h. all wheels must have pneumatic tyres : if width is over 8 but does not exceed 9J ft. one attendant in addition to the driver

CONSTRUCTION AND USE REGULATIONS

567

attendance. Heavy motor cars and articulated vehicles may not transversely or 25 tons overall.

Before using such vehicle over 8 ft. wide on a tramcar road or such a vehicle over 9 ft. wide on any road the owner shall give 2 days' notice to the police who may prescribe the time or route. Highway and bridge authorities must also be similarly notified.

roads of motor vehicles and trailers or types of motor vehicles and trailers constructed for use outside the United Kingdom, of new

tests or trials, and of motor vehicles and trailers equipped with new or improved equipment or types of equipment.

Part III deals with abnormal indivisible loads and engineering plant.

Art. 17 : Abnormal indivisible load means a load which cannot

plying in all respects with the requirements of the Construction

Art. 18 : Heavy motor cars and trailers specially made for the carriage of such loads and locomotives and tractors specially made

Every such vehicle shall be wheeled : overall width of such heavy motor car, trailer or locomotive shall not exceed 9 ft. and

necessary for the safe carriage of the load on the trailer ; overall width of such a load or of the vehicle and load shall not exceed 20 ft. and overall length shall not exceed 90 ft.: all wheels shall have tyres pneumatic, soft or elastic: total weight on road shall not exceed 150 tons : a heavy motor car or trailer shall be used only

be used only for the drawing of trailers authorised by this

any one time provided that subject to the requirements of the Construction and Use Regs, as to the laden weights on road it shall be permissible for a vehicle and any vehicles used in combination to carry more than one such load of the same character

may be carried.

Art. 26 : A vehicle carrying such a load must not enter upon any bridge whilst another such load is on the bridge and it must

not remain stationary on any bridge except in circumstances beyond the driver's control.

Art 17 : Engineering plant means movable plant or equip

purposes of engineering operations or a mobile crane, both of which cannot comply in all respects with the requirements of the Construction and Use Regs.

Art. 19: This plant is allowed to be on roads provided that : such a plant other than a mobile crane, is used on a road only in

actually engaged in such operations and carrying no load other than necessary equipment or necessary materials : no engineering plant other than a mobile crane shall draw a trailer other than one which is an engineering plant or a living van or office ; no mobile crane shall draw a trailer : a mobile crane is to be used on a road only on journeys and not for lifting or carrying burden otherwise than when actually engaged in engineering operations : such a " plant " must be either wheeled or tracklaying : all wheels not having pneumatic soft or elastic tyres shall have smooth tyres with rounded edges (provided that gritting machines for use on ice-bound roads may have tyres shod with diagonal cross-bars) : it should have an efficient brake or if steam-driven a reversing engine : a trailer should have an efficient brake or suitable scotches : no such motor vehicle over 26 ft. long shall draw a trailer but may draw a broken-down vehicle. The total weight on the road shall not exceed 150 tons; the overall length must not exceed 90 ft., and overall width not exceed 20 ft.

Art. 19A: The Minister may authorise, subject to conditions, the use on roads of other vehicles and trailers (i.e. not " special types ") carrying loads exceeding 14 feet wide but not exceeding

Art. 20: The speed limit for a motor vehicle and trailer authorised under Art. 18 or Art. 19 is 12 m.p.h. except on special roads. The speed limit for a vehicle or trailer authorised under Art. 19A is 20 m.p.h. except on special roads.

Art 21. Attendants: (a) An attendant must be employed when (i) the overall width of a " special type " vehicle is more than ft.; (ii) the overall width of another motor vehicle (i.e. not a " special type ") is more than 14 ft.; (iii) the overall length of the vehicle and its load is more than 60 ft.; (iv) the overall length of a combination of vehicles is more than 85 ft.; (v) a load has a projection exceeding 6 ft. to the front or 10 ft. to the rear; (b) Two attendants must be employed when the overall width exceeds ft. 6 ins.

Art. 22. Marking of projecting loads. Where a load projects between 3 ft. 6 ins. and 10 ft. to the rear of the vehicle it must be

CONSTRUCTION AND USE REGULATIONS

569

made clearly visible. Where a load projects more than 6 ft. to marker boards (see Sched. 8 of C. & U. Regs.). At night the marker boards must be indirectly illuminated.

Art. 23. A vehicle more than 14 feet wide may not be used without the written approval of the Minister. The notice giving the Minister's approval must be carried on the vehicle.

Art. 24. Notice to Police: The police must be given two clear days' notice of movement when (a) the width of the vehicle or its load is more than 9 ft. 6 ins., (b) the length of the vehicle is more than 50 ft., (c) the length of any combination of vehicles is more than 85 ft., (d) the load projects more than 10 ft. to the front or rear, and (e) the total laden weight exceeds 75 tons.

Art. 25: gives directions as to the notice (Part 2 of 3rd Sched.)

does not apply to vehicles owned or under the control of the

APPENDIX III

REGULATIONS AS TO THE PROSECUTION OF OFFENCES

i Prosecution of Offences Regulations, 1946, dated 23
it, 1946, made by the Attorney-General with the approval
s Lord Chancellor and the Secretary of State under the

:d and with notes in brackets) :

t shall be the duty of the Director of Public Prosecutions
titute, undertake or carry on criminal proceedings in the
ing cases :

i) Any offence punishable with death (these include murder,
.son, arson of H.M. ships, dockyards, arsenals, etc., piracy
i violence).

which he considers criminal proceedings should be instituted.

;) Any case which appears to him to be of importance or
culty or which for any other reason requires his intervention.

dvise to Government Departments, clerks to justices, chief

Ity.

ses.

The Director may employ a solicitor to act as his agent in a
ration,

1) The chief officer of every police district shall, as respects
es alleged to have been committed in his district, report

(a) Every offence punishable with death (see above).

(6) Every offence in respect of which the prosecution has
y statute to be undertaken by or with the consent of the

(1) Incitement to Disaffection Act, 1934, s. 3 ; consent
necessary.

(2) Prevention of Fraud (Investments) Act, 1958, s. 1 :

of Board of Trade or Director necessary.

(3) Dangerous Drugs Act, 1951, s. 18, proceedings on indictment for any offence under the Act or Regulations can be instituted only by or with the consent of the Attorney-General or the Director.

(4) Firearms Act, 1937, s. 27 ; summary proceedings for an offence under the Act after six months and within four years after the commission of the offence can be instituted by or by direction of the Director.

(5) Betting and Lotteries Act, 1934, s. 22. The Director only can prosecute or direct prosecution of a newspaper, etc., for publishing inducement to take part in a lottery.

(c) Every indictable case in which the prosecution is wholly withdrawn or is not proceeded with within a reasonable time.

(d) Every case in which a request for information is made by the Director.

(e) Every case in which it appears to the chief officer of police that the advice or assistance of the Director is desirable.

(2) The chief officer of police shall also report, as respects offences alleged to have been committed within his district, to the Director :

(a) Offences under the following Acts :

(1) Sexual Offences Act, 1956 (incest).

(2) Official Secrets Acts, 1911 to 1939.

(3) Forgery Act, 1913, s. 2 (forgery, with intent to defraud, of many specified valuable documents) and s. 3 (forgery with intent to defraud or deceive, of certain documents, mainly official).

(4) Coinage Offences Act, 1936, and Gold and Silver (Export Control, etc.) Act, 1920. s. 2 (melting down, etc., current gold or silver coin).

(6) Offences of sedition (including seditious libel), conspiracy to pervert or defeat the course of justice, public

bribery and corruption of or by a public official, fraudulent conversion by a public official, solicitor or trustee.

(c) Offences of manslaughter, attempted murder, rape, abortion, carnal knowledge of mental defectives, defilement of girls under thirteen years of age, indecent offences upon a number of children or young persons, sexual offences against a child or young person involving the communication of a venereal disease, and cases in which there has been a previous conviction for the same or a similar sexual offence and the offence charged is one that can be dealt with summarily.

- (d) Cases of obscene or indecent libels, exhibitions or publications in which it appears to the chief officer of police that there is a *prima facie* case for prosecution ; and
- (e) Cases under the Extradition Acts, 1870 to 1932, and the Fugitive Offenders Acts, 1881 and 1915.
7. When reporting an offence punishable with death the chief officer of police shall supply the Director with
- (a) A full report on the circumstances ; (6) copies of the statements of any witnesses ; and (c) A report of any proceedings taken before a coroner or justice in connection with the offence.
8. A justice or coroner to whom the Director has sent notice that he is carrying on any criminal proceeding, shall, within three days of receipt of the notice, transmit to the Director all the documents and things connected with the case (see s. 5 of the
9. store examining Justices or a Court of summary jurisdiction is wholly withdrawn or is not proceeded with within a reasonable time, the clerk to the Justices or to the Court shall send to the Director a report of the case and shall supply the Director with any further information or documents he may require (1879 Act,
10. The Regulations dated 25 Jan., 1886, are revoked.
- NOTE. As regards the offences given above which are to be reported to the Director, it would seem that " undetected crime " need not be so reported, and that it would not be necessary to *prima facie* case against the alleged offender. Similarly it would not seem necessary to report when the police apply for the withdrawal of a summons or warrant.
- Criminal Justice Act, 1925, s. 34, directs that any document reporting to be the consent, fiat or order for or to the institution of any criminal proceedings and to be signed by the Attorney-General, the Solicitor-General, the Director or an Assistant
- prosecution without further proof.
- Suicide Act 1961, s. 2 directs that no proceedings under this section (other than a private bill) shall be instituted except by or with the consent of the Director.

OR DISCRETIONARY DISQUALIFICATION

FIRST SCHEDULE R.T. ACT, 1962

PART I

Offences involving obligatory disqualification

1. Manslaughter or, in Scotland, culpable homicide, by the driver of a motor vehicle.
2. An offence under section 1 of the principal Act (causing death by dangerous driving).
3. An offence under section 2 of the principal Act (dangerous driving etc.) committed within three years after a previous conviction.
4. An offence under section 6 (1) of the principal Act (driving etc. under the influence of drink or drugs).
- 5.
6. An offence under section 110 (b) of the principal Act (driving while disqualified).

PART II

Offences involving discretionary disqualification

7. An offence under section 2 of the principal Act (dangerous driving etc.) committed otherwise than as mentioned in paragraph 3.
8. An offence under section 3 of the principal Act (careless driving etc.).
9. An offence mentioned in section 4 of the principal Act (speeding).
10. An offence under section 5 of the principal Act (driving, or causing or permitting a person to drive, a motor vehicle in contravention of the provisions of the Act relating to the minimum age for driving motor vehicles of different classes and categories).
11. An offence under section 6 (2) of the principal Act (being in charge of a motor vehicle while under the influence of drink or drugs).

* **Note.** This Appendix, which sets out The First Schedule to The R.T. Act, 1962, will replace Appendix IV, when The First Schedule to The 1962 Act comes into force.

12. An offence under section 8 (2) of the principal Act (carrying passenger on motor cycle in contravention of the section).

13. An offence under section 14 of the principal Act (failure to comply with traffic directions) committed in respect of a motor vehicle by a failure to comply with a direction of a police constable or an indication given by a sign specified for the purposes of this paragraph in regulations made by the Minister and the Secretary of State acting jointly.

14. An offence under section 16 of the principal Act (leaving vehicle in dangerous position) committed in respect of a motor

15. An offence under section 37 (4) of the principal Act (contravention of traffic regulation on special roads) committed in respect of a motor vehicle otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a part of a special road on which vehicles are in certain circumstances permitted to remain at rest.

16. An offence under section 46 (5) of the principal Act (contravention of pedestrian crossing regulations) committed in respect of a motor vehicle.

17. An offence under section 48 (2) of the principal Act (failure to obey sign exhibited by school crossing patrol) committed in respect of a motor vehicle.

18. An offence under section 49 (6) of the principal Act (contravention of order prohibiting or restricting use of street playground by vehicles) committed in respect of a motor vehicle.

19. An offence under section 64 (2) of the principal Act (contravention of construction and use regulations) committed by using a vehicle on a road, or causing or permitting a vehicle to be so used, either:

(a) so as to cause, or to be likely to cause, danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it, or the weight, distribution, packing or adjustment of its load; or

(6) in breach of a requirement as to brakes, steering gear, or tyres.

20. An offence under section 77 (4) of the principal Act (failure to stop and give particulars after accident).

21. An offence under section 98 (3) of the principal Act (driving without licence) committed by driving a motor vehicle in a case where either no licence authorising the driving of that vehicle could have been granted to the offender or, if a provisional (but no other) licence to drive it could have been granted to him, the driving would not have complied with the conditions thereof.

22. An offence under section 102 (3) of the principal Act (failure to comply with conditions of provisional licence).

23. An offence under section 201 of the principal Act (use of motor vehicle uninsured or unsecured against third party risks).

24. An offence under section 217 (1) of the principal Act
(taking, etc. motor vehicle without authority).

25. An offence under section 42 of this Act (driving with uncorrected defective eyesight or refusing to submit to test).

Stealing a motor vehicle.